Annual Report

Office of the Ombudsman 2005-2006

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June 22, 2006

The Honourable Michael Brown
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker:

I am pleased to submit my Annual Report for the period of April 1, 2005, to March 31, 2006, pursuant to section 11 of the *Ombudsman Act*, so that you may table it before the Legislative Assembly.

Yours truly,

André Marin
Ombudsman

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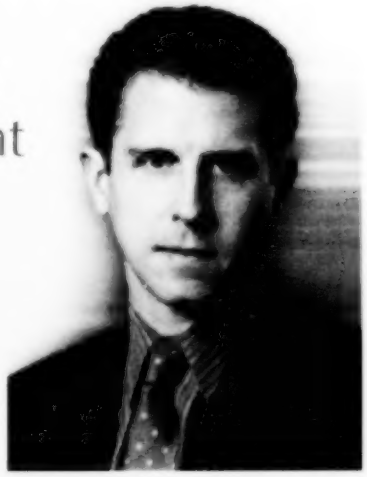
This has been a remarkable year, rich with accomplishment. We have ferreted out systemic problems that caused frustration – even tragedy – for some, and we have helped many others who had problems of their own in dealing with government. Our experiences have been diverse enough that we were able to identify two key pitfalls that are, in my opinion, primarily responsible for creating the kinds of problems that bring so many people to our doors – more than 24,000 this past year alone.

Ombudsman's Message: Humanizing Government



I will therefore use this message not only to describe our accomplishments, but also to share our insights into why so many problems occur. I am hopeful that, by doing so, this Office can encourage a governing culture that will reduce the need for complaint.

Finally, and by no means last in importance, this past year has also marked our energetic renewal of a quest started by the first Ombudsman, Arthur Maloney, Q.C., to give this Office its natural and sensible mandate: this Office should be the independent watchdog of all government action, whether carried out directly by public servants or by those privatized offices that do the work for the Government of Ontario using taxpayers' dollars. I am speaking, of course, of municipalities, universities, school boards, hospitals, children's aid societies and long-term care facilities. I have committed myself to this mission because it is the right thing to do and because, when achieved, it will improve the quality of life of many in this province. It will bring inexpensive, effective, impartial intervention to a range of problems that might otherwise fester or denigrate into litigation or public inquiry.

Before I describe these three things – (1) our accomplishments, (2) the insights we have acquired and (3) the case for a full-service Ombudsman, it is important to set the stage and remove all abstraction. This can best be done by borrowing a simple and poignant phrase from the man who was involved in the appointment of the first

Ombudsman, the Honourable Chief Justice R. Roy McMurtry. The phrase I want to borrow was expressed by the Chief Justice during the official opening of our new facilities earlier this year. He commented that, "the Ombudsman in Ontario has proved to be an effective means of *humanizing government*." That, to me, is what this Office is really all about – humanizing government when it has become too rigid, too bureaucratic, too wooden or too insensitive to represent the people of Ontario well.

Demonstrating What It Means to Humanize Government

To speak of "humanizing government" is not to use empty rhetoric. To understand the full measure of the concept, all one need do is remember that government decisions affect real people in profound ways. All it takes to make the phrase concrete and inspiring is to realize, for example, that in the past year our efforts resulted in more than 60 families regaining custody of their children, a legal authority they had surrendered to children's aid societies. These families endured this indignity because they could not afford to pay for the residential care their children required. So they had to give them up. These parents had to sign documents acknowledging that they could not care for their children properly, as if they were somehow neglectful, abusive or incapable. They were put in this position because they are not wealthy and because their government, in the name of fiscal restraint and control, had removed the discretion that had previously existed to help in such situations. For my part, when I want to give life to the phrase "humanizing government," I simply have to think of what it must have been like for those parents when they were told that they could be true parents again without having to give up the support their children need. It is so much more humanizing to think of that day than of the earlier day when they were told that, if they wanted their children to receive the residential care the children required, they would have to sign over their legal rights as parents.

Or, to pour real content into the phrase "humanizing government," all one need do is to realize that in the future many more newborn children will thrive and survive instead of failing and even dying. Before our involvement in the newborn screening issue, not even coroners' recommendations, or interest groups' advocacy, or the example provided by other governments, or mounds of medical literature or full-blown litigation could squeeze from our province the modest dollars needed to provide basic newborn testing to prevent the preventable. This situation was not only personally tragic for these children and their families; it was obscene false economy, as dozens of these children went on to drain health care costs. When I want to get a

picture in my mind of what "humanizing government" is about, all I have to do is imagine parents watching a healthy toddler learn to walk instead of sitting helplessly by her bedside watching her suffer because their government, through inertia and illogic, followed Third World infant screening practices.

Or I can imagine what it was like when the Comeau-D'Orsays opened the letter that contained the government cheque that would buy back the lives and the hope they had mortgaged trying desperately to pay for the miracle drug that was coaxing their son from his psychosis and a palliative-care death bed into a young man with whom they could communicate, who could learn and who could walk again. That image is so much more humane than the one I imagine of that earlier time, when the Comeau-D'Orsays were told by their government: "We are sorry. There is nothing that can be done. Nowhere on this list does it say that the government should be paying for this drug. Ask the pharmaceutical company if they will give it to you for free."

The pages of this annual report are salted with examples of this Office helping to humanize government by busting bureaucracy, cutting red tape and filling in cracks that people were falling through. In the last year we have done it thousands of times – admittedly, most often with less drama than in the cases I have just recounted. Still, it would be a mistake to treat any of these instances as trivial. People do not turn to this Office lightly. They come here when they are in need and cannot work their way through automated answering services or websites to find responsible civil servants who can give them clear and correct answers. We referred more than 13,000 inquiries this past year alone to the appropriate organization.

People come to this Office when responsible civil servants give them answers that are "clear and correct,"... instead of thinking about the impact the answers will have on real people.

People come to this Office when responsible civil servants give them answers that are "clear and correct," but only if one is going by the book, instead of thinking about the impact the answers will have on real people. You will read in these pages, for example, of an autistic child who, because information was missing on her birth certificate application, went without a pediatrician for three years while her parents tried to get a health card for her. You will also read of a woman who was pursued by a collection agency 13 years after she was overpaid $1,700 under the Ontario Student Assistance Program. She was told that, in accordance with the rules, she would have to prove her claim that she had repaid the money more than a decade before, even though it was fanciful to think that she would have kept her records for that long and even though the delay in following up was the province's own.

Often people come to this Office not because they have been given "clear and correct" but unreasonable answers, but simply because mistakes have been made. Like the Family Responsibility Office filing a writ in the wrong location in an attempt to collect child support back payments owed to a mother. This was done despite three attempts by the woman to alert the office that her former spouse was trying to sell a property in a *different* location to the one they had filed a writ.

Or, like the disabled man who was being pursued for $2,000 in back spousal support, even though a proper review of his file disclosed that he had in fact overpaid $8,500. The contribution we made to "humanizing government" in that case was brought home to one of my investigators when the relieved man, after receiving repayment, commented that he could now buy proper food, get his teeth fixed and pay his outstanding bills. These bread-and-butter cases may not all be life transforming, but they make the point that this Office helps to humanize government by making it accessible and by focusing on what really happens to people when mistakes are made.

Our Accomplishments

It was just over one year ago, on April 1, 2005, that I accepted the position of Ombudsman of Ontario. I observed a serious "disconnect" at the time: the provision of government services had become increasingly complex and depersonalized, what with automation, privatization and the continuing growth of government, while the cachet of this Office was low. The prospect of abolishing the Office to save money had even been mooted. We immediately set out to modernize the Office and to demonstrate its worth. There are now new trappings, like a new logo and a motto, "Ontario's Watchdog," and we have moved into a more efficient office space, but these are small things. What we have done of moment is to improve the way the Office does business. As I describe in this report, we established new communications and outreach programs, streamlined our intake procedures, set up a new early resolution team, developed new investigative strategies and became more disciplined in identifying trends. We have pounded the bushes to ensure that the public knows we are here by revising our materials and our website and by developing a new media relations focus.

Among the initiatives I am most proud of is the development of the Special Ombudsman Response Team (SORT). SORT has the expert investigative experience and the capacity to blitz large investigations of complex and systemic problems. It uses disciplined evidence-gathering protocols and follows carefully planned timelines with identified milestones. It conducts initial reviews to ensure that its efforts are warranted. It was SORT that produced the evidence needed

to show that the government had erred in making competent and caring parents give up their children so that those children could get residential care, and it was SORT that came to grips with the Comeau-D'Orsay saga and, in doing so, discovered the shameful state of newborn screening in Ontario.

Most famously, it was SORT that undertook the massive review of the Municipal Property Assessment Corporation (MPAC), and it was SORT that produced work of such high quality that MPAC and the province agreed immediately to adopt 18 of our 22 recommendations and undertook to study the remaining ones. I highlight those recommendations in this report to show their impact. Many of them address problems that betray an organization so infatuated with its own products and policies that it often failed to consider the implications of its decisions on affected citizens. I understand that the MPAC report is about money rather than losing children or regaining health. Still, it was unprecedented for an Ombudsman's report, in terms of the number of people it affected, there being more than four million property taxpayers in this province. Literally hundreds of them have expressed their support, and even relief, in letters to editors and in notes to us.

As I say, between our SORT investigations and the thousands of lives we have touched in the individual complaint cases we have processed, this has been a remarkable year. I am intensely proud of the work my Office has done in brokering solutions and in helping to establish the systems needed to help humanize government.

Our Observations: "Rule Slavery" and Depersonalization

There are two trends that cripple the ability of provincial service providers to do the right thing – a slavish adherence to rules and the failure to consider fully the personal, immediate human dimension of the decisions that get made. In making this last observation, I do not intend to suggest that government administrators are callous or uncaring. We know otherwise from the tremendous success we have achieved when we have intervened and explained situations fully – a point I will return to later. It is more a case of distraction and a depersonalization that is understandable in a heavily burdened civil service, but that nonetheless is unacceptable and preventable. But first I want to address the question of "rule slavery," for it is the source of many of the most egregious problems we see.

I appreciate the importance of rules, policies and guidelines. I know the dangers that untrammeled discretion poses. If there is one thing I learned in my prior incarnation as a lawyer, it is that rules, policies and

guidelines exist for a reason. They are meant to prevent arbitrary treatment and to enable correct and sound decisions to be made. But they are not foolproof. They are, by their nature, general, and they therefore fail to account intelligently for every situation. No rule is intended to be self-defeating, to be applied even when it will produce perverse results. Rules have to be understood and applied according to their underlying purposes, which invariably include the best interests of the people of Ontario.

Yet few public servants seem prepared to take the initiative or to make an effort to get the necessary approval when rules appear to pose an obstacle, rather than reveal a path, to a sound choice. There are too many times, in my opinion, when government agents choose the simple and safe route of mechanically and reflexively following rules, rather than finding ways within a system of rules to solve problems. I fear that this culture is becoming endemic, what with the increased development of guidelines and policy directives in the post-Gomery era. The tendency to err on the side of adherence to rules, however, is not just making governments leaner and more disciplined. It is also making them meaner and rigid, even in cases that call for discretion, accommodation and a can-do attitude.

Often it is because of rule slavery that cases fall through the cracks. It was the rigid application of approved drug funding lists that saw the Comeau-D'Orsays almost become bankrupt trying to get their dying son effective treatment with the same drug that was approved for funding to treat another condition. It is because of rule slavery and over-systemization that it became necessary for parents to sign away custody of their children to get them residential care. Our caseload is packed with examples of rule slavery, such as the terminally ill man described in this report who was denied legal aid to consult with a lawyer about the garnishment of his sick benefits to pay support, while his ex-wife received legal aid. Rule slavery is also exemplified by the case of the northern Ontario heart patient who was told that he would have to travel to three different cities to see three different doctors if he wanted a Northern Health Travel Grant, even though he could get all of his medical care at one place that was easily accessible by train. These problems were all solvable, even in a world of rules. I know this because they were all solved when we got involved. The discretion to do so came from somewhere. Solutions can almost always be found when robust efforts are made to find them.

Often it is because of rule slavery that cases fall through the cracks.

This brings me to the second problematic trend we have observed – the failure to consider fully, or to react to, the human costs of decisions. When the human consequences are considered, rule tyranny

can be appropriately avoided and discretionary decisions made wisely. As I said, I know that those who serve this province are caring. They would not have chosen their professions were they not. But over time people can become "cases," and when the job becomes one of processing "cases" instead of helping citizens, humane government gets lost. Among caring people, taking the time to see the human implications of a decision can inspire the kind of can-do attitude that can save grief and even money. Too often we have seen that problems emerged because initiative was not shown.

The first case summary in this report involves the family of an autistic boy who, after 14 years in a treatment program, was going to be discharged from the program because of his age. In spite of requests for help, no one at his treatment centre took the initiative to help his family develop a plan or negotiate waiting-list procedures. I do not think this would have happened if those who were asked had stopped to imagine the family picking the boy up on the last day, having nowhere to take him, and his mother possibly having to give up her job to care for him.

In another case I describe, a senior citizen who needed a birth certificate to get a health card had to wait for five months because given her birth date, a manual record search had to be conducted. The problem was solved in a week when the case was highlighted for personal attention because of the intercession of our Office.

At first no one from the Ontario Disability Support Program helped a wheelchair-dependent woman arrange for the repair of her wheelchair after she was struck by a car. She was told to call for parts herself. It was only when we spoke to a disability income support manager that her problem was solved. Had anyone stopped to think about what it would be like to be rendered immobile for the sake of a phone call, I am sure that call would have been made much earlier.

A crime victim waited for months for a hearing date to be fixed before the Criminal Injuries Compensation Board, because no one followed up when the court office failed to transfer court records that had been requested. When the request was followed up, after we got involved, the records were obtained by facsimile on a priority basis. The delay may have seemed tolerable when the case was thought of as a file in a pile, but not when thought of as a crime victim waiting for closure.

As I say, we have found it inspiring to think of our role in humanizing government. To the extent that administrators share that vision, rule tyranny and faceless decision-making can be avoided, and the quality of life for Ontario residents can be improved. What we have found this past year will likely surprise few, but it is important: good government comes from an ethic of caring and from seeing the human dimension

of problems, not from a slavish commitment to rules. And if there is good government, then no one has to suffer because they do not know enough to call our Office.

Quest for a Complete Mandate

It is no secret that I have spent tremendous energy in the past year trying to convince the Government of Ontario to rationalize the mandate of the Office of the Ombudsman. It is no secret because I have been trumpeting it on every occasion. I use the word rationalize advisedly. At present, our Office's jurisdiction is confined to "government organizations," even though much of what government does and pays for is carried out by non-government organizations acting as government agents. This limitation on our jurisdiction makes no sense. Our ability to improve the delivery of government services should turn on substance rather than form. There is simply no merit to arbitrarily limiting access to our inexpensive, informal, unobtrusive methods of problem solving in this way.

This limitation on our jurisdiction makes no sense.

My quest for rationalized authority took its most public face in the aftermath of the death of five-year-old Jeffrey Baldwin. That case should serve as a bellwether. Jeffrey Baldwin died in the care of his grandparents, both convicted child abusers. Jeffrey was with them because the local children's aid society did not have procedures in place to deal with the placement of a child with family members. No background checks were conducted. No files were reviewed. It was assumed that because they were "family," that was protection enough.

The failings that led to Jeffrey's death are exactly the kinds of practices the Office of the Ombudsman is equipped to address. Ontario stands alone in Canada on its sole reliance on the use of non-government agents to fulfill the public responsibility of protecting our children. It is not rational that, as a result of that accident of history, this Office does not have the authority to oversee children's aid societies. And it is not rational to keep this Office from using its tools and expertise to oversee other delegated government agents, like municipalities, universities, school boards, hospitals and long-term care facilities. Proof that it makes no sense is found in the fact that, on more than 1,850 occasions in the past year, we had to tell complainants that we had no jurisdiction over such agents. I have therefore made a commitment to work to change the situation.

I wish I could take full credit for this initiative, but I cannot. It was the idea of Arthur Maloney, the first Ombudsman, and it has been championed by a number of my other predecessors as well. What I have done is given it renewed priority. I have done so because I see

what this Office has done for the 60-plus families who regained custody of their children after our intervention, and for those newborns whose illnesses will be screened properly, giving them a better quality of life or, in some cases, even a chance at life. I see what we managed for the Comeau-D'Orsays and for those who were frustrated and angry because of the dealings and decisions of MPAC.

I want more power for this Office so that the people of Ontario can have the benefits of an effective government watchdog when they have their most frequent and, often, most important contacts with government – when they are being educated or lodged in hospitals and long-term care facilities, when the government is interceding in their families and when they are being governed by municipalities in the myriad ways municipalities govern. In none of these cases, do the people of Ontario now have access to the kind of effective, independent oversight and investigative power and expertise that this Office offers. They make do with law suits, in-house complaint processes, part-time boards without powers or expertise in evidence gathering, and inquests and commissions that come along after things have tragically failed. The failure to give the Office of the Ombudsman of Ontario jurisdiction in these vital areas, where the need for humane government is omnipresent, is irrational. It is a case of lost opportunity and lost economy. It is also a case of lost vision – the failure of government to change the face of oversight to match the changing face of government itself.

The Office of the Ombudsman of Ontario was established over 30 years ago in a wave of similar initiatives being undertaken nationally and internationally to cope with the growth of governments. Governments were taking on increasing roles in the lives of their citizens by regulating diverse areas of activity, by supporting families and the welfare of its people. Ironically, the bureaucracy required to accomplish all of this work made governments larger and institutions more complex and impersonal, requiring an Ombudsman who could navigate the shoals of bureaucracy and speak for those who were not being heard. The burgeoning of government has not abated in the past 30 years; it has intensified. We now have a service economy, and the robust government to match. Only the form of government has changed. We cope by automating, privatizing and entering responsibility-sharing agreements. These changes have all made the provision of government services more complicated and less personal. Most importantly, they have made the provision of government services more diffuse. Close to 80 per cent of provincial tax dollars are now spent in those "zones of relative impunity" that fall outside the mandate of this Office. I would venture to guess that more than 80 per cent of the contact between the people of this province and their government now occurs in these zones. When we move responsibilities

from government organizations to non-government agents without moving oversight as well, that is what we create – zones of relative impunity, where humane government is less likely to be secured and where problems are less likely to be addressed.

To date, my campaign has not produced the results it should have. Whether it is the natural fear by governments of oversight, or lack of imagination or an irrational commitment to a "public/privatized" dichotomy, I have yet to see real movement. The *Child and Family Services Statute Law Amendment Act, 2006*, did not contain the simple amendment I proposed that would have given access to this Office to those dealing with non-government service providers that make decisions about the protection of children, the welfare of families and the rights of parents. The *Independent Police Review Act, 2006*, before the Legislature at the time this report was finalized, is a shadow of what it should be. Its drafters have reflexively continued a provision dating from the 1990 statute that overtly excludes our jurisdiction. I will do what I can to remedy this apparent blunder, and I will continue throughout my mandate to push to remedy the jurisdictional failings of this Office. I have no choice, because this is the best way to ensure that, with the complicated service-delivery models we use, the people of Ontario get what they deserve and what they pay for – namely, humane government. It is not discreditable that I am fighting so hard for more authority for this Office; it would be discreditable if I weren't.

But I do not want to let battles not yet won put a damper on things. As I said, this has been a remarkable year. Given all that the dedicated staff in the Office of the Ombudsman has accomplished in the interests of humane government in the past year, I am intensely proud to submit this, my first, annual report.

The Year In Review

Modernizing The Ombudsman's Mandate: Catching Up With Changing Times

> *You will be interested to know that [the Office] has received a substantial number of complaints directed against decisions made in the course of the administration of Boards of Education, universities, public hospitals and municipalities, the investigation of which is presently beyond its authority in view of the provisions of The Ombudsman Act, 1975. ... In respect of Boards of Education, this is despite the fact that these bodies are financed in substantial part by the Province. Because these bodies have important decision-making powers and take actions which affect the lives of all of us, and further because ... they are identified with the Provincial Government in view of the monies received by them from the government, it is my intention to recommend to the Legislature that I be given the requisite jurisdiction to investigate complaints respecting these institutions.*

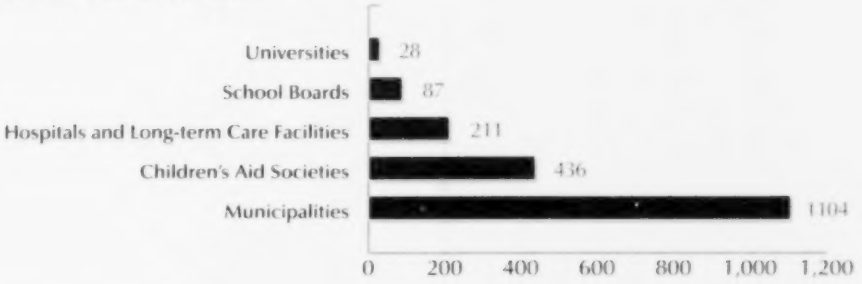
This statement was not made by the current Ombudsman, André Marin. It was made over 30 years ago, in 1975, in a speech given by Ontario's first Ombudsman, Arthur Maloney, Q.C. Not much has changed since then: the Ombudsman's jurisdiction, as set out in the *Ombudsman Act*, has not been revisited since the Office was created.

The Ontario government on the other hand, has changed a lot since 1975, when the Honourable Pauline McGibbon, then Lieutenant Governor, announced the creation of the Ombudsman's Office to ensure the protection of Ontario's citizens against arbitrary judgement or practices. The way the government operates has been transformed. In some cases, it has grown and spending has increased, and in other cases, services have been divested or delegated to different organizations. Unfortunately, the Ombudsman's authority to investigate complaints has not kept up – in fact, it has slowly eroded.

In recent years, the administration of significant consumer protection and safety statutes has been placed in the hands of private bodies that are beyond the Ombudsman's reach. Patients in former provincial psychiatric hospitals, which have been divested to private operators, can no longer resort to the Ombudsman's Office for help. Residents of public housing, which is now administered by local governments, cannot complain to the Ombudsman. The result of these changes is that many of Ontario's citizens have lost their recourse to an independent investigative oversight body.

In addition, Ontario has fallen behind other provinces in Canada when it comes to oversight of critical public services such as hospitals, school boards, universities, children's aid societies and long-term care facilities. Municipal services, which have a profound impact on the everyday lives of Ontarians, are also currently beyond the Ombudsman's purview.

Selected Non-Jurisdictional Complaints and Inquiries Received During Fiscal Year 2005–2006



In the past year, the Office of the Ombudsman has received over 1,850 complaints about matters that the average citizen thinks the Office should be able to investigate, but that the Office is prevented from looking at because of the limits of its mandate.

The Ombudsman's Office provides an effective and streamlined way to ensure accountability of public services provided by organizations that are separate from government, but that, in many cases, receive government funds. It provides high-quality, independent, external oversight, with a level of credibility and public confidence that cannot be provided or achieved through internal complaints mechanisms overseen by government ministries.

This year the Office raised awareness of the fact that a fundamental service, child protection, administered by private agencies, lacks an external investigative oversight mechanism. Regrettably, the government's recent amendments to the *Child and Family Services Act* did not address this issue. The Child and Family Services Review Board, which had its authority expanded as a result of the new legislation, does not have the mandate to conduct independent third-party investigations into actions of children's aid societies. It also does not deal with systemic problems. In the Ombudsman's view, the government did not go far enough to ensure that both individual and systemic issues related to child protection can be dealt with through external, independent investigation. Over 100 individuals and organizations have contacted the Office since the Ombudsman's submission to the Legislature's Standing Committee on Social Policy in December 2005, to express their support for Ombudsman oversight of child protection matters.

The Ombudsman's Office views the need to modernize the Office's jurisdiction as crucial to ensuring the accountability of what are essentially public services provided through non-governmental bodies. The Office is encouraged by the support it has received from both individuals, including government officials and Members of the Provincial Parliament, and organizations. In the coming year, the Office intends to continue its efforts to revitalize the Ombudsman's authority and bring Ontario to the forefront of oversight in Canada.

Revitalizing Operations: New Directions

The last year has seen many changes at the Office of the Ombudsman. The Office has strived to revitalize and modernize the way it does its business, and to refocus on its mission of supporting the need for accountability, transparency and oversight in the provision of government services. These changes have been driven by the Ombudsman's vision of providing effective, timely and results-oriented services that are directly relevant to all citizens of Ontario, as reflected in the Office's new motto, "Ontario's Watchdog."

This new vision is also reflected in the Office's new, bright, energetic logo and colours, and its new, more functional, modern workspace.

Ombudsman
ONTARIO

The real changes, however, are more than skin deep.

One of the most significant and well-received changes over the last year has been the creation of the Special Ombudsman Response Team (SORT), a dedicated team of experienced investigators that conducts investigations into issues that are high-profile, complex, and/or systemic. These issues have a strong public-interest component and affect broad groups of Ontario citizens. As a result of SORT's investigations, the Ombudsman has put forward a number of recommendations that the government has acted on. These recommendations touch the lives of many Ontario citizens and will improve services in the future for many more.

In addition to creating SORT, the Ombudsman's Office has been conducting a major restructuring of its operations to improve the quality, timeliness and relevance of its business. Some of the highlights of these initiatives include the following:

- **Communications and outreach:** A new communications and outreach program was introduced to allow the Office to reach a broader spectrum of citizens and to provide more current information about systemic issues the Office is working on.
- **New approach to complaints from inmates of correctional institutions:** Corrections complaints are now dealt with under the same framework as other complaints,

ensuring a quick and effective intervention in serious cases, such as where a significant threat is posed to someone's physical or psychological well-being. In addition, the Office is working with corrections officials to improve internal corrections complaints mechanisms so that they more effectively handle inmates' concerns about institutional issues such as food, laundry, transfers and property.

- **Streamlined approach to early complaint resolution:** A new early-resolutions team was created to take in complaints and provide information, advice and referrals on all types of cases. This team is designed to move quickly to resolve complaints through the use of a variety of alternate dispute resolution techniques.

- **Revamped approach to investigations:** Revised investigative strategies have been introduced in support of a more issue-driven, focused approach, with fixed milestones and deadlines intended to improve the quality and timeliness of investigations.

In the coming year, the Office will continue to improve its ability to monitor and analyse trends in complaints and identify systemic issues for investigation and potential recommendations. The ultimate goal remains to improve on the Office's effectiveness as a mechanism for positive change in the administration of government services by putting forward recommendations that are directly relevant to, and that have a direct impact on, broad groups of citizens.

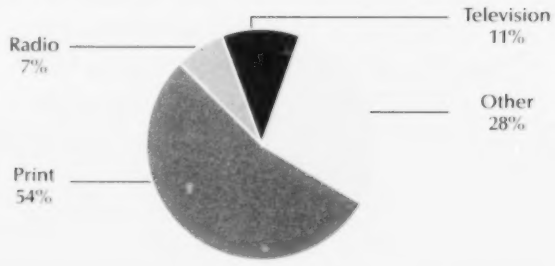
Communications And Outreach: Getting The Message Out

As noted above, the Office has revamped its communications and outreach program to ensure that it reaches a broader range of citizens and is able to provide more current information about the systemic issues it has investigated and the value of its recommendations to the people of Ontario.

Over the last year, the Ombudsman and designated members of his staff have made presentations on systemic issues investigated by the SORT to organizations representing a variety of citizens' groups and a range of interests. These organizations include the Association of Management, Administrative and Professional Crown Employees of Ontario; Le Club Canadien de Toronto; the Financial Services Commission of Ontario; Banking and Investment Ombudsman International Conference; and the Building Excellence in Investigations Conference hosted by the Alberta and British Columbia Ombudsman Offices.

In support of the new communications program, new communications materials have been designed, including new brochures, and the

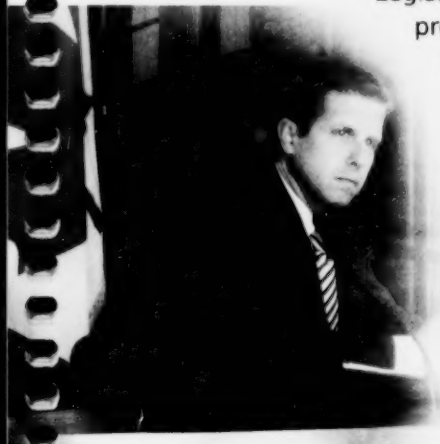
How SORT Complainants Learned About the Ombudsman



Ombudsman's website has been overhauled to reflect the new, more modern approach the Office is taking.

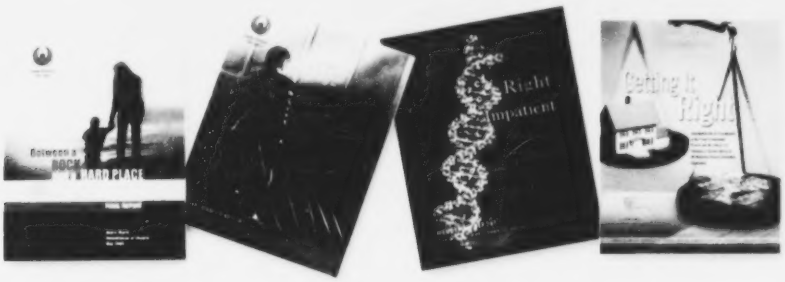
The Office has also incorporated a renewed media relations focus into its communications program, which allows it to communicate better with the public and to raise overall awareness of the issues it is investigating. Public announcements and media coverage of investigations have allowed the Office to ensure that members of the public are aware of, and can provide relevant information to aid in, SORT investigations. For example, 72 per cent of people who registered a complaint about one of the issues being investigated by SORT said that they heard about the Office through the media. More than half of them said that they read about the Office in newspapers, while another 11 per cent saw a mention of the Ombudsman on television and seven per cent said that they heard a news report on the radio. In addition, the SORT investigation into the Municipal Property Assessment Corporation generated the largest number of complaints to the Ombudsman's Office on a single issue in the Office's 30-year history.

Media coverage of the Office, including SORT reports and recommendations, has brought a renewed and unprecedented level of interest and profile to the Office and its operations. For example, since December 7, 2005, when the Ombudsman made his submission on the need for Ombudsman oversight of child protection issues to the Legislature's Standing Committee on Social Policy, and the provincial government's subsequent failure to extend the Ombudsman's jurisdiction to children's aid societies in its amendments to the *Child and Family Services Act*, there have been 55 different news stories on the issue.



The release of the Ombudsman's report, *Getting it Right: Investigation into the Transparency of the Property Assessment Process and the Integrity and Efficiency of Decision-Making at the Municipal Property Assessment Corporation*, was covered in 130 newspapers and 80 different radio and television programs. This coverage reached an estimated 6.5 million people in the week after the report was released.

Special Ombudsman Response Team (SORT): A New Standard Of Investigative Excellence



SORT was created by the Ombudsman after his appointment in April 2005 to provide the Office with the capacity to conduct investigations into high-profile, complex, systemic issues, following the highest investigative standards and in a thorough and efficient manner. SORT cases have broad systemic implications, often with a high public interest component. In SORT investigations, the facts surrounding the complaint are often disputed or the issues are complex, involving difficult questions of policy or law.

The Ombudsman has described the method for assigning cases to SORT as the "smoking gun" approach. Before an investigation is commenced, SORT does a thorough preliminary assessment of the matter to determine whether a *prima facie* case of systemic injustice or unfair treatment exists.

SORT investigations are usually reserved for those cases where, because of the complexity of the problem, a resolution is unlikely, or where previous attempts to resolve the problem have been unsuccessful. In some instances, SORT investigations may not result in a formal report being tabled in the Legislature. For example, the investigation may reveal at a relatively early stage that the government entity being investigated is taking significant and timely steps to deal with the issue under investigation. In these cases, SORT will monitor the implementation of those steps and keep a close eye on the number of complaints received by the Office on the issue being scrutinized. An example of such a case is the investigation into delays at the Office of the Registrar General, which is profiled on page 36 of the report.

This year the Office publicly issued four SORT reports with recommendations. Profiles of these four cases are included in this report, along with the above-mentioned case on delays at the Office of the Registrar General. The majority of the Ombudsman's recommendations in the four reports were accepted, with the government pledging to implement them immediately and to report back on its progress.

How SORT Works

SORT investigations are methodical, extensive, detailed and thorough. Investigators are required to develop a detailed plan, interview witnesses in the field and obtain documents and physical evidence as necessary. Each investigation has strict milestones and deadlines.

SORT uses a team approach. Investigations are conducted with support from staff from both the investigations and the early resolutions teams of the Office, as well as from legal counsel.

To ensure that its investigations are of the highest quality, SORT has developed the following five investigative principles:

- the investigators must be experienced
- all physical evidence must be preserved, and examined as necessary
- all relevant witnesses must be identified and interviewed
- all relevant documentation must be secured and reviewed
- the analysis of the material gathered during the investigation should be objective and based solely on the evidence collected

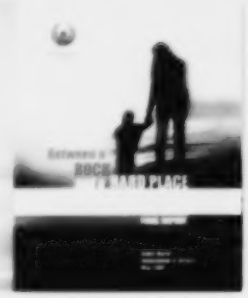
Each SORT investigation is carefully planned. The plan sets out the issues to be investigated, the investigative strategy to be used, the witnesses to be interviewed and the documents to be obtained. The plan includes milestones and a deadline for completion of the investigation. The Ombudsman approves the plan before an investigation begins.

SORT investigations can involve the interviews of dozens – sometimes hundreds – of witnesses and the review of thousands of pages of documentation. All major interviews are tape-recorded, and the recordings are transcribed as necessary. In many investigations, the team also determines how other jurisdictions tackle the issues it is examining.

SORT is quickly becoming recognized as a model of investigative excellence, in large part due to the high quality of its reports and the extensive impact of its recommendations. In the past year the SORT director has been invited to make presentations on SORT's investigations and the investigative techniques it uses to other Ombudsman and oversight agencies, including conferences and workshops organized by the British Columbia and Alberta Ombudsman offices, the Forum of Canadian Ombudsman and the United States National Association for Civilian Oversight of Law Enforcement.

SORT Investigations Completed in 2005–2006

Between A Rock And A Hard Place



On April 25, 2005, the Ombudsman gave SORT its first assignment, to investigate complaints received from six parents who had been forced to give up custody of their children, who suffered from severe disabilities, to children's aid societies so that the children could obtain the care they needed.

The issues raised in these complaints were not new ones for the Ombudsman. In January 2001, former Ombudsman Clare Lewis notified the Ministry of Community and Social Services (now the Ministry of Children and Youth Services) of the Office's intention to investigate the ministry's role in providing funding and programming support for families with children with special needs. Until 1999, special needs agreements were used to arrange residential care for children who, because of their disabilities, could not be cared for at home. These voluntary agreements between parents and children's aid societies allowed the societies to assume responsibility for the care of the children, and made public funding available to the societies to do so, without necessarily requiring parents to give up custody of their children. Parents were able to retain many rights, including the right to vary or terminate the agreement, and they were able to obtain assistance for their children without the children being declared "in need of protection." However, in January 2001, the ministry issued a directive to children's aid societies that families must be referred to community service providers when no protection concerns exist – in other words, there were to be no more special needs agreements.

> No parent should be forced to give up custody of a child.

The investigation conducted by the former Ombudsman found that, when the decision was made to stop funding parents' special needs agreements with children's aid societies, the ministry did not have the necessary data to decide the level of residential service required by children with complex special needs and had not set a timetable for considering this issue. In some areas of the province, there were not enough residential facilities to meet the demand. As a result, many children were put on waiting lists.

In response to the former Ombudsman's preliminary report, the ministry stated that it was developing a policy and funding framework for residential support for children with complex special needs. The ministry told the Ombudsman that it planned to have the framework

completed by the spring of 2003 and that, if approved, implementation of the framework would begin in the 2003–2004 fiscal year. The ministry agreed to provide the Ombudsman with a progress update every six months. When the new Ombudsman arrived in April 2005, he received the latest six-month letter from the ministry. He found that the letter offered very little information about concrete progress, and promised nothing but further study. He checked the file and found that not much had changed since the previous updates.

The government of Ontario is not legally obliged to place children with special needs in residential facilities – unless a children's aid society has custody of them. The moratorium on special needs agreements meant that parents who required residential placements for their children were forced to "manufacture" protection concerns. Parents could obtain short-term assistance by stating that they were unable to care for their child and entering into temporary care agreements with a children's aid society. The most extreme special needs cases involved children who required permanent placement. The long-term solution to these cases was to make the children either children's aid society wards or Crown wards. In both situations, the parents lost their custodial rights.

The six parents who complained to us told stories of tremendous hardship and desperation. These parents had either made the decision to give up custody of their child to a children's aid society or were struggling with the choice between preserving their custodial rights and obtaining the care their child needed.

The six parents who complained to us told stories of tremendous hardship and desperation.

When the Ombudsman announced the investigation, he asked the public to come forward with any information that might be of assistance. About 90 families who had one or more children with special needs contacted the Office. Many of these families had either given up their child to a children's aid society or were contemplating doing so.

A team of SORT investigators was assigned to the investigation. The original six complainants were interviewed in person, as were senior officials of the Ministry of Children and Youth Services. The investigators contacted the majority of the children's aid societies in the province, as well as, community groups, advocacy organizations, residential care providers and others with a direct interest in the issues that were investigated. The investigation took 18 days.

On May 20, 2005, the Ombudsman tabled his final report, *Between a Rock and a Hard Place*. In it, the Ombudsman expressed the opinion that the failure of the Ministry of Children and Youth Services to ensure that parents of children with severe disabilities were not forced to relinquish custody of their children to children's aid societies in order to obtain residential placements was unjust, oppressive and wrong.

The Ombudsman recommended that the ministry immediately ensure that children's aid societies identify situations in which children with severe disabilities have come into their custody because they require residential care, and that parental rights be restored and funding provided outside of the child welfare system. The ministry accepted the Ombudsman's recommendation. As a result, the right to custody was restored to parents of 63 children as of January 31, 2006. Of these 63 children, 38 had been in care under temporary care agreements, 23 had been in care as society wards and 2 had been in care as Crown wards.

The Ombudsman also recommended that the ministry remove the moratorium on special needs agreements, and that the government of Ontario consider re-legislating the power to make special needs agreements so that it is both mandatory and administered outside of a statute that deals with child protection matters.

In response to the Ombudsman's recommendations, on June 27, 2005, the ministry announced an additional $10 million to help more children and youth with severe special needs obtain services. This funding was allocated to the ministry's regional offices to provide services for high-needs families. The ministry did not agree to reinstate the use of special needs agreements; instead, it indicated that it had started work to improve the current system so that special needs services are more accessible, better coordinated and centred on the needs of children and their families. The Ombudsman has assigned SORT the task of continuing to monitor developments in this area, including the impact of the ministry's decision to continue the moratorium on special needs agreements.

> *Successive governments have said that no parent should be forced to give up custody of a child in order to access specialized support. But why is it happening? It is happening because governments have preferred to study the matter to death rather than solve it.*
>
> ***André Marin, Ombudsman***
> *Between a Rock and a Hard Place*

From Hope To Despair

The Comeau-D'Orsay family, whose 17-year-old son Christopher, was gravely ill, complained to the Ombudsman that the Ministry of Health and Long-Term Care had refused to provide funding for a potentially life-saving drug that had dramatically improved Christopher's quality of life.

Christopher suffers from a very rare and fatal neurodegenerative disease known as Batten's Disease CLN1, which affects the brain, retina and central nervous system. Over time, Christopher had lost his ability to walk and his sight, had experienced worsening seizures and had had psychotic hallucinations. The family had been told that Christopher was dying, and that they should place him in a group home and wait for the disease to take its course.

The Comeau-D'Orsays were informed of a clinical study in New York where the drug Cystagon was being used to fight Batten's Disease. Within weeks of taking Cystagon, not only had Christopher's condition stabilized, but he was getting better. Within two months, he was able to walk again, his eyesight improved, he could engage in conversations and he even returned to school. Tests confirmed that the fatty build-up in his brain, which was associated with the disease, had been reduced by half. Christopher's parents were purchasing Cystagon in the United States, at a cost of $15,000 a year, causing them significant financial hardship. The family had maxxed out its credit cards, had depleted its assets and was about to place its home up for sale.

The Comeau-D'Orsays believed that the Province of Ontario would help them pay for Cystagon, as the government was already subsidizing more expensive treatments that were not helping Christopher. Before Cystagon, anti-psychotic drugs that were not working cost $1,200 per month, with another $600 for food supplements. More significantly, Christopher was fast approaching the point where he would need 24-hour institutional care, at a cost of up to $450 a day. When the Comeau-D'Orsays applied to the Ministry of Health and Long-Term Care to arrange for Cystagon to be funded, their hope turned to frustration, then quickly to despair. They were told that the ministry would not fund this drug, as the law forbade it; that the ministry had no choice in the matter because the federal government had not approved Cystagon for sale in Canada.

SORT's investigation of this case took approximately three weeks. SORT investigators interviewed the family, Christopher's caregivers and senior ministry officials. They obtained and reviewed a large quantity of documentation from the ministry and from other sources.

The investigation revealed that the ministry was wrong when it told Christopher's family that it could not fund the drug, for a number of reasons. First, the ministry referred the family to the federal government's Special Access Program, which permits unapproved drugs to be distributed to a specific person for a defined medical condition, and the ministry failed to explain to the family that this program provided access to specific drugs, not to funding. Christopher already had access to the drug. Second, the ministry was wrong when it claimed that the law required the drug to be approved for sale before its cost could be reimbursed. The law imposed no such requirement. Third, ministry correspondence reflected confusion within the ministry about its own policies concerning federal drug approvals. As a result, the family was provided with inconsistent information about the government's policies. Some officials claimed that funding can be provided only for drugs approved for sale in Canada, while others claimed that funding can be provided even if a drug is not approved for sale, provided the federal government grants special access to the drug. Fourth, the ministry was inaccurate in representing Cystagon as a drug that cannot be funded, when it was in fact funding this drug for individuals with a different disease. Fifth, the ministry failed to inform the family about the Inherited Metabolic Diseases Program, a program that had been set up to provide drug funding to individuals like Christopher who have an inherited metabolic disease. Six months later, when the ministry informed the family about the Inherited Metabolic Diseases Program, it explained to the family that the program funded the drug Cystagon for another disease but not for Batten's Disease. Lastly, the ministry referred the family to the pharmaceutical company that manufactured the drug without adequate explanation or support.

The investigation revealed that the ministry was wrong when it told Christopher's family that it could not fund the drug...

The Ombudsman concluded that the Comeau-D'Orsay family was not treated fairly and that the ministry did not give the family's claim proper consideration. The Comeau-D'Orsays had fallen between the cracks. On August 19, 2005, the Ombudsman made three recommendations to the ministry: (1) that the ministry fund Cystagon for Christopher and pay retroactively for the costs incurred by his family from the time of the family's initial application; (2) that the ministry improve its process to ensure that it gives proper

consideration to requests for funding for drugs authorized under the federal government's Special Access Program; and (3) that the ministry take steps to ensure that the Inherited Metabolic Diseases Program, which had become moribund, is reactivated or a successor program created to assist in cases like Christopher's.

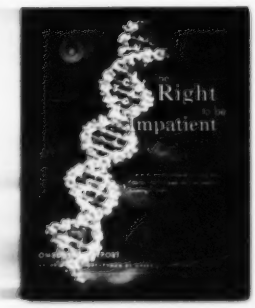
Ten days later, the Deputy Minister of Health and Long-Term Care advised the Ombudsman that the ministry supported the findings and recommendations contained in the report and agreed to immediately pay for Cystagon for Christopher and to reimburse his family approximately $60,000 for costs they had incurred in paying for the drug.

> Christopher's family experienced an exercise in bureaucratic futility that no Ontarian should ever be subjected to.
>
> ***Ottawa Citizen,***
> *September 2, 2005*

The ministry also advised the Ombudsman that it had established a Drug System Secretariat to study and implement system-wide changes to the program for drug funding, and, further, that the process for approving funding for special access drugs under section 8 of the *Ontario Drug Benefit Act* would also be reviewed. The ministry also promised to put in place a process to either revitalize or replace the functions of the Inherited Metabolic Diseases Committee in order to improve the ministry's response to requests for treatment and funding from persons suffering from such diseases. SORT continues to monitor the ministry's progress on all these fronts.

The Ombudsman released his report on this matter, *From Hope to Despair*, on September 1, 2005.

The Right To Be Impatient



While reviewing thousands of pages of documentation obtained from the Ministry of Health and Long-Term Care during the Comeau-D'Orsay investigation, SORT investigators discovered an e-mail from one senior bureaucrat to another, which read:

> *[There is] the potential for [the Ombudsman's investigation into funding for drugs to combat Batten's Disease] to get into the whole IMD [Inherited Metabolic Diseases] program, including the screening issue, where ... there have been 5 deaths from MCAD and Coroner's opinions voiced.*

Medium-chain acyl-CoA dehydrogenase (MCAD) is an inherited metabolic disorder that, if detected early by screening newborns, can be treated by diet and other means. If undiagnosed, a child with MCAD may go into crisis and become severely disabled or die.

This e-mail, of course, caused SORT to dig deeper. What it found was very troubling. It became clear that Ontario was far behind other provinces in providing comprehensive screening tests to the 130,000 babies born in the province every year, and that the consequences were tragic. Ontario only screened for two disorders at birth and was not screening newborns for MCAD. In fact, SORT found that as many as 50 Ontario children become disabled or die each year from disorders that could have been detected and managed through newborn screening.

On August 11, 2005, the Ombudsman assigned SORT to investigate the Ministry of Health and Long-Term Care's progress in tackling the issue of newborn screening in Ontario. The team interviewed 17 families who had lost a child or whose child had a severe disability as a result of disorders not screened for in Ontario. The team also interviewed medical specialists and other experts, the Deputy Chief Coroner, senior officials at the ministry and other interested parties. In addition, the team reviewed approximately 5,500 pages of documentation and contacted jurisdictions throughout North America to determine the scope of newborn testing outside Ontario.

> We need more in government like him – who understand what it means to stand up for the little guy or in this case newborns, the littlest guys of all.
>
> ***Toronto Sun, editorial,*** *October 3, 2005*

The investigation found that, despite calls for expanded screening from a ministry-appointed advisory body and the development of new screening technology such as tandem mass spectrometry, the program had remained unchanged for years. The greatest irony was that the leading technology for such screening was developed and marketed right here in Ontario. When SORT investigators contacted the manufacturer, it was in the process of finalizing a shipment of testing equipment to Mexico!

The ministry had started to revamp its newborn screening program before the Ombudsman's investigation began. However, this initiative was spurred not so much by a desire to bring the program into line with programs in other North American jurisdictions as by the reality that the reagent used by the province to test for phenylketonuria (PKU), one of the two disorders screened at birth by the ministry, would not be available after December 2005. The ministry had estimated that it had enough reagent to continue screening for PKU until the end of March 2006.

Part-way through the Ombudsman's investigation, the ministry announced that its newborn screening program, which had not been updated in 27 years, would be expanded to test for 19 inherited metabolic disorders. The plan to expand the screening program was welcomed, but the initial announcement did not include screening for blood and endocrine disorders. The Ombudsman questioned why some diseases made the list and others did not. In addition, there was mounting criticism from parents, the medical community and advocacy groups about the government's exclusion of certain disorders. The exclusion of sickle cell disease was particularly significant, given that, in 1992, the ministry's own advisory body had recommended that Ontario screen for sickle cell. The medical community estimates that the incidence of sickle cell disease in Ontario is 13.2 out of 100,000 live births, or 20 children per year, which is much higher than some of the disorders initially approved by the government for screening.

SORT found that as many as 50 Ontario children become disabled or die each year from disorders...

The Ombudsman's report on this situation, *The Right to be Impatient*, was released on September 23, 2005, 43 days after SORT began its investigation. The report provided a comprehensive review of the state of newborn screening in Ontario. The Ombudsman found that the program's failure to move forward with the times was caused by budget constraints, mismanagement and lack of leadership. The Ombudsman expressed concern that no one within the government showed an appropriate sense of urgency, nor was there a champion within the bureaucracy to advocate and push for change. The Ombudsman wrote, "...Someone needs to be there to remind bureaucrats that there are human beings who are affected in real and dramatic ways by the decisions that get made or do not get made."

In light of the government's announcement to expand the screening program, the Ombudsman chose not to make any conclusions and recommendations with respect to the investigation. Instead, he gave the ministry six months to proceed with its plans and requested an update from the ministry within 90 days of the release of his report. The report also stated that, if after six months the Ombudsman believed that the ministry had not made significant progress on the issues related to newborn screening, he would decide whether to issue a further report with conclusions and recommendations or conduct a full public hearing.

On November 2, 2005, the Minister of Health and Long-Term Care announced that six more disorders would be added to the screening

panel: three blood disorders and three endocrine disorders, including sickle cell disease and congenital adrenal hyperplasia. When the new program becomes operational, newborns will be screened for 27 disorders. The Children's Hospital of Eastern Ontario (CHEO) was chosen as the site for the ministry's new screening program.

In response to the Ombudsman's request for an update, the deputy minister advised that the CHEO testing facility was on track to be fully operational for screening for PKU and congenital hypothyroidism by March 2006, and that the incremental addition of other tests should be completed by the end of 2006. He also noted that a permanent Advisory Committee on Newborn and Childhood Screening had been established. The committee will report annually to the deputy minister on the efficiency and effectiveness of the screening program, the incidence of disorders screened by the program and the impact of screening on the health outcomes of the infants identified by the program.

Getting It Right

Did he make a lasting impact with his investigation? In other words, did he get it right?

Yes, I believe, on two levels by getting MPAC and the government to implement most of his recommendations right away; and by showing how an ombudsman can be relevant in today's world.

Ellen Roseman,
Toronto Star, *April 26, 2006*

The Ombudsman's report, *Getting It Right: Investigation into the Transparency of the Property Assessment Process and the Integrity and Efficiency of the Decision-Making at the Municipal Property Assessment Corporation*, was released on March 28, 2006. The report set a precedent for the Office, in terms of both the tremendous impact it had for Ontario citizens and the overwhelming response it received.

During 2005, the Office had received an increasing number of complaints about the Municipal Property Assessment Corporation (MPAC), including information from an individual working within the assessment system that MPAC was failing to consider reductions in property assessments obtained through the Assessment Review Board (ARB) process. MPAC assesses the "current value" of more than 4.4 million properties across the province. More than 85 per cent of these properties, including the overwhelming majority of residential properties, are valued using a complex computerized mass appraisal technique called "multiple regression analysis."

A preliminary investigation was conducted over the summer and, based on that investigation, the Ombudsman decided that a full SORT investigation was warranted.

On October 17, 2005, the Ombudsman notified MPAC of his intention to investigate two issues: the transparency and openness of the assessment process and the integrity and efficiency of decision making at MPAC. He announced the investigation to the public, and invited public input. The response was overwhelming, and unprecedented in the history of the office. More than 3,700 property owners complained. Submissions and offers to provide information were made by current and former staff of MPAC and the ARB; former staff of the Ministry of Finance; interest groups and organizations, including the Ontario Federation of Agriculture, the Canadian Association for the Fifty Plus, Waterfront Ratepayers After Fair Taxation and a number of other ratepayer associations; non-profit housing groups; ad hoc resident groups; tenants associations; and property assessment consultants and agents.

SORT conducted over 150 interviews across the province with complainants, MPAC senior management, politicians, representatives of a number of interest groups and organizations, current and former MPAC and ARB employees and former Ministry of Finance employees. Ombudsman staff attended several town hall meetings called to discuss MPAC, examined property assessment practices and procedures in other jurisdictions across North America and reviewed thousands of pages of documentation.

The SORT investigation revealed significant flaws in MPAC's processes, and also that MPAC had failed to treat taxpayers fairly in a number of areas. The Ombudsman concluded that the corporation suffered from a superiority complex, giving undue deference to its computerized mass appraisal system and failing to consider the public interest role MPAC had been designated to fulfill.

The Ombudsman's report contained 20 recommendations to MPAC and two recommendations to the Government of Ontario. MPAC agreed with all of the Ombudsman's recommendations, pledging to implement 17 immediately and to study the remaining ones. Of the two recommendations that fell within the government's purview, the Minister of Finance agreed to implement one immediately, pledging to consult with stakeholders on the release of information about MPAC's computerized assessment model, and to give further study and consideration to the other one, reversing the onus of proof on appeal, putting it on MPAC instead of on the taxpayer, where it is now. The minister also issued a direction to MPAC to review and report back on the operational and cost implications of implementing the Ombudsman's recommendations and on the positive outcomes and opportunities for improvement that could be achieved from

implementation of the recommendations. The president of MPAC's board of directors, Debbie Zimmerman, also issued a public statement thanking the Ombudsman for his report and acknowledging the value of his recommendations in assisting MPAC to improve its service to the public.

On its release, the report received immediate and overwhelming support from Members of the Provincial Parliament, stakeholders, interest groups and members of the general public. The Premier thanked the Ombudsman in the Legislature for the work done on the report and the recommendations put forward, noting that "he has very helpfully placed before all of us some of the real challenges" related to MPAC and property tax assessment. The government introduced and passed legislation entitled the *More Time to Appeal Act, 2006* to extend the deadline for property owners to appeal their assessments from March 31 until June 30, 2006, to allow property owners time to familiarize themselves with the Ombudsman's findings and recommendations.

In the days following its release, the Ombudsman's report received unprecedented media coverage and public attention. The number of visits to the Ombudsman's website where the report was posted increased by 35 per cent the week of the report's release. On March 28, the date of the release, there were 180,134 visits to the website. Within the first three days following its release, the report was discussed in over 104 different news articles, including 18 front-page articles and 39 editorials and columns. The Office also received over 300 statements of thanks and support from complainants and members of the public.

Here are some of the highlights of Getting it Right.

A Lack of Information

The Ombudsman's investigation looked at the three categories of information available to property owners: (1) information about the subject property, (2) information useful in appeals and (3) information about the mass appraisal system.

The Ombudsman found that MPAC had failed to ensure that property owners were provided with sufficient and timely assessment information to enable them to understand and fairly challenge their property assessments. He made several recommendations to improve taxpayers' access to information. For example, he recommended that the brochure that accompanies MPAC's Notice of Assessment be amended to do the following:

- describe the importance to taxpayers of ensuring that MPAC has accurate information about the taxpayer's property
- describe alternative means of learning about all of the information MPAC has relating to the subject property
- include not only the average municipal assessment increase or decrease, but also the average percentage change in the particular neighbourhood zone within which the property falls
- describe how information about comparable properties can be useful on appeal
- furnish accurate and complete information as to exactly how many comparable properties can be secured and how these comparables can be accessed, making particular note that the six comparables MPAC selects are likely to be relied upon by MPAC in the event of an appeal

The Ombudsman also recommended that MPAC provide taxpayers with a copy of the Property Profile Report, which lists details about the property, when it sends out its assessment notices, and that it provide all information about comparable properties that may be relevant to the evaluation of the property.

> The Ombudsman found that MPAC had failed to ensure that property owners were provided with sufficient and timely assessment information...

In the course of the investigation, MPAC developed a proposal for the release of data related to multiple regression analysis. The changes proposed included the following:

- providing additional information about valuation details and coefficients to property owners seeking to better understand their assessment
- posting information about Market Model Reports on MPAC's website
- posting a list of all data elements on the MPAC database on MPAC's website
- posting information about the quality class, character of construction etc. used in the determination of current value on MPAC's website

The Ombudsman recommended that the proposed changes be implemented.

The Ombudsman also recommended that MPAC ensure that its administrative procedures regarding assessments and inspections,

disclosure of information, requests for reconsideration and ARB appeals be set out in writing and made available to the public on its website.

The Ombudsman heard from many complainants who had had frustrating experiences trying to contact anyone at an MPAC regional office who knew something about their specific assessments. He recommended that MPAC review its current Customer Contact Centre practices with a view to improving public access to MPAC personnel who are able to provide relevant information.

Questionable Accuracy of Data

The Ombudsman's investigation found evidence of errors and inaccurate assessment values that resulted from incorrect or missing data. While the Office heard anecdotal evidence of errors from taxpayers, MPAC's internal assessments also identified errors that resulted in incorrect assessments. An internal audit, conducted in late 2004 and early 2005, of property inspections found that inspectors were not updating all changes to a property as required by MPAC policy. Data was missing, pertinent information was not collected and, in some cases, structures were not assessed. The Ombudsman recommended that MPAC undertake a review of its staffing needs to determine whether staffing strategies that would improve the accurate collection of property data could be identified and pursued. He also recommended that MPAC standardize its inspection audit reports, and provide the Ombudsman with the results of its inspection audits and quality reviews for 2006 as they become available.

Failure to Recognize Sale Prices of Properties

The Ombudsman's investigation revealed many instances where MPAC had refused to recognize the sale price of a property as its current value, but where there was no evidence to suggest that the sale had not been achieved under fair market conditions. This left many homeowners surprised and frustrated, especially given that MPAC, in its own information brochure, tells people that, to determine if their assessment is accurate, they should ask themselves what their property would have sold for on the valuation date.

The Ombudsman found that MPAC treated taxpayers unfairly by preferring its own mass appraisal system to the actual sale price of the property – despite decisions from the ARB and the courts acknowledging that the sale price of a property should be generally accepted as the best evidence of its value.

The Ombudsman recommended that, when a property assessment is challenged based on an actual sale price that is proximate to the

valuation date, MPAC should generally accept the sale price as the best evidence of the property's value, and that MPAC should also treat the sale price as an important factor in assessing the current value of the property in future years. He noted that MPAC's assessment should only deviate from the sale price where there are concrete, cogent reasons for believing that the sale was not made under market conditions or does not otherwise reflect the property's actual market value.

Failure to Apply Assessment Reductions

The Ombudsman found that MPAC had not been careful enough in recording information that might benefit the taxpayer. He also found that reductions that MPAC agreed to after requests for reconsideration or that were imposed by the ARB on appeal were not applied by MPAC to subsequent years' assessments, even when the same valuation date was used.

> Challenging the state's assessor is from the outset a David-versus-Goliath mismatch.

The Ombudsman recommended that the minutes of all settlements MPAC enters into related to assessment reductions clearly explain the reasons a reduction has been agreed to, and that these reasons be recorded. He also recommended that assessment reductions be applied to future years' assessments of the same property, unless MPAC can clearly demonstrate that the circumstances justifying the reduction have changed, and that, in such cases, the reasons justifying the change be set out in the taxpayer's assessment notice.

With respect to decisions made by the ARB, the Ombudsman recommended that MPAC should apply the ARB's findings of values at specific valuation dates when carrying out assessments for future years based on the same date. He also recommended that MPAC be required to apply any assessment reductions imposed by the ARB to future years' market value assessments of the same property, unless a reduction has been determined to be wrong by a court of law or unless MPAC can clearly demonstrate that the circumstances justifying the reduction have changed. In such cases, the Ombudsman recommended, the reasons justifying the change should be set out in the taxpayer's assessment notice. He further recommended that, in cases where an assessment decision is unclear, MPAC should request reasons for the decision and keep a record of them.

Unfair Onus

The Ombudsman found that an imbalance of power existed between taxpayers and MPAC when taxpayers sought to challenge their assessments in front of the ARB. The result was a David versus Goliath situation, with the taxpayer, who has limited time, resources and expertise, left alone to fight MPAC, with its massive computer system, reams of data and access to assessment experts and litigators. The Ombudsman found that MPAC was suffering a crisis of credibility, in that taxpayers no longer had trust or confidence in the assessment system.

The Ombudsman concluded that it was unfair to place the burden on the taxpayer to prove that MPAC's assessment was wrong, and that, to level the playing field, when a taxpayer challenges an assessment before the ARB, the onus should be on MPAC to prove that its assessment is accurate. He recommended that Ontario follow the practice of Manitoba and reverse the onus, so that MPAC bears the burden of proof.

> The Ombudsman found that MPAC was suffering a crisis of credibility...

The Ombudsman further recommended that MPAC fully disclose the information it intends to rely on during the appeal to the taxpayer as early as possible, and that it immediately cease the practice of bringing new property comparables to ARB hearings without sufficient notice to the taxpayer. He also recommended that MPAC direct its staff to ensure that challenges to assessments be considered seriously and be resolved at the earliest opportunity, and that it discourage last-minute settlements before the ARB.

Delays At The Office Of The Registrar General

Last year's annual report contained an update on a previously closed investigation into delays at the Office of the Registrar General of the Ministry of Government Services. It was noted that in July 2004 the ministry had advised the former Ombudsman that the Office of the Registrar General was processing applications for birth certificates within six to eight weeks. It was further noted, however, that a considerable backlog persisted in the registration of births, as well as of deaths and marriages, and in the processing of change-of-name applications. The ministry provided the Ombudsman with an operational plan to reduce processing times for these services to six to eight weeks by the spring of 2005.

In June 2005, the Ombudsman notified the ministry that the Ombudsman's Office continued to receive a substantial number of complaints about certificate applications not being processed within six

to eight weeks, problems in contacting the Registrar General's office by telephone and delays in processing applications on which information was missing or on which the information that had been submitted required clarification. The Ombudsman assigned SORT to conduct a preliminary investigation to determine whether there were sufficient grounds to warrant a full investigation. SORT investigators interviewed several complainants, as well as the Deputy Registrar General. They also reviewed documentation from the Registrar General's office.

In September 2005, the Ombudsman found that the Registrar General's office had made progress in addressing delays and administrative problems related to registrations and certificate applications, and that steps were being taken to resolve outstanding issues.

In March 2006, the Deputy Registrar General confirmed that the office's telephone system had been expanded to accommodate more calls. An automated telephone system had been scheduled to be in place by February 2006 to provide limited status information on applications, but the system's start-up had been deferred until improvements were made to a similar online process. The Deputy Registrar General also confirmed that delays in the processing of correspondence related to certificates had been reduced to three to four weeks by November 2005, and that this turnaround time was being maintained.

The Registrar General's office also confirmed that steps had been taken to reduce the number of applications and registrations that contained missing or incorrect information, and to improve the process by allowing applicants to file birth certificate applications online for children eight years of age and under. In November 2005, this application process was extended to include birth certificate applications for adults and children aged nine and over.

Although in early March 2006 there was a 30-week delay in processing correspondence related to change-of-name applications, and there continued to be delays in processing delayed registrations of birth and amendments, of 24 weeks and 17 weeks respectively, the Registrar General's office expected these delays to be reduced.

The changes undertaken by the Registrar General's office have resulted in a reduced number of complaints being received by the Ombudsman's Office. In the fiscal year 2004–2005, the Ombudsman received 1,309 complaints about delays and maladministration in the Registrar General's office. In 2005–2006, this figure was reduced to 697.

The Ombudsman has assigned SORT to continue monitoring developments at the Registrar General's office, including reviewing trends in complaints about processing delays and other issues.

SORT Assessments And Investigations In Progress At March 31, 2006

Review of Death Investigation and Treatment of Family

The Ombudsman assigned SORT to conduct a preliminary review and assessment of a complaint received from the Connelly family about the way it was treated and the investigation that followed the death of the Connelly's son John, a 22-year-old student at the University of Toronto, in 2001. At the end of the 2005–2006 fiscal year, SORT's assessment was in progress, and the team was reviewing extensive documentation from both the Connelly family and the Office of the Chief Coroner of Ontario.

> The nature of the allegation is that the system failed the family and could potentially fail other families.
>
> ***Ombudsman André Marin,***
> *Ottawa Citizen, January 19, 2006*

Emergency Room Wait Times

The Ombudsman received a complaint from an emergency room doctor who is a member of the Coalition of Ontario Physicians in Emergency (COPE), which represents approximately 200 emergency department physicians. The complaint alleged that lengthy emergency room waiting times were endangering patients, and that these delays were a result of shortages of physicians and other resources.

The Ombudsman assigned SORT to assess the complaint and the steps the government was taking to deal with the issue, in order to determine whether a formal investigation was warranted.

SORT interviewed officials from the Ministry of Health and Long-Term Care and the Ontario Medical Association, as well as the Deputy Chief Coroner of Ontario and several emergency room physicians, including the complainant. SORT also reviewed extensive documentation, including a January 2006 report released by the Ministry's Hospital Emergency Department and Ambulance Effectiveness Working Group, titled *Improving Access to Emergency Services: A System Commitment*.

On March 31, 2006, SORT was in the final stages of completing its assessment.

Delays at the Ontario Disability Support Program

On March 1, 2006, the Ombudsman notified the Deputy Minister of Community and Social Services that he had assigned SORT to investigate complaints of undue delay in processing applications for disability benefits at the Ontario Disability Support Program and, in particular, in the program's Disability Adjudication Unit. SORT was also tasked to investigate whether disability support recipients were being unfairly deprived of benefits due to delays, and to examine the impact of a regulation that limits the retroactive benefits that can be awarded, when an application is approved, to four months.

At the time the Ombudsman notified the ministry of the SORT investigation, his Office had received 71 complaints of undue delay. On March 15, 2006, the Toronto Star profiled the case of Lyndsay Aukema, a severely disabled woman who became eligible for financial assistance from the Ontario Disability Support Program when she turned 18 last year. Lyndsay's parents had applied for benefits on her behalf in April 2005, hoping that the benefits would be in place by Lyndsay's birthday in May. However, Lyndsay's application was not approved until December 2005, eight months after it had been filed, with benefits being granted retroactively for only four months. Between the time the Aukema's case was featured in the press and March 31, 2006, an additional 35 complaints about delays in processing Ontario Disability Support Program applications were received by the Ombudsman's Office. The then Minister of Community and Social Services, the Honourable Sandra Pupatello, responded to the coverage of the Aukema's case in the media, stating that the delay problem was totally unacceptable and that she hoped to come up with solutions by the time the Ombudsman issued his report on this matter.

> These are some of the most vulnerable members of society. What are they supposed to do for months? Stop eating?
>
> ***Ombudsman André Marin,***
> *Toronto Star, March 15, 2006*

> *Some of the rules that have been there historically are unfair, and we've got to ... make them fair and make them easier for people.*
>
> ***The Honourable Sandra Pupatello,***
> *Minister of Community and Social Services, March 2006*

As of March 31, 2006, SORT was awaiting additional information from the ministry before finalizing its investigation.

Funding for Testicular Prosthetics

The Ombudsman received a complaint from a pediatric social worker who is a member of a team involved in the care of patients, all of them children, who have lost or have been born without a testicle, and who are candidates to receive a prosthetic replacement. There are various reasons for this condition, including failure of the testes to develop, testicular torsion and cancer.

In 1997, a joint Ministry of Health-Ontario Medical Association working group was asked to identify changes in the Ontario Health Insurance Plan's (OHIP's) Schedule of Benefits that would result in savings. Effective April 1, 1998, the insertion of a testicular prosthesis was declared "not medically necessary," removed from OHIP's Schedule of Benefits and, thus, no longer paid for by the provincial government.

Until recently, at least one hospital in the province covered the costs of testicular prosthetic surgery out of its own budget; however, at the time this report was written, it was no longer doing so. According to the complainant, the absence of funding for this surgery has resulted in tremendous hardship to the children whose parents cannot afford the surgery.

SORT's investigation into the ministry's decision to stop funding the insertion of prosthetic testicles was in progress at the time this report was written.

In addition to its Special Ombudsman Response Team investigations, each fiscal year, the Ombudsman's Office resolves thousands of problems for Ontarians who have experienced difficulties in their dealings with the provincial government and its many agencies. The following is a sampling of some of our successes, and describes some of the results we have achieved for individuals over the past year.

Case Summaries

THE IMPORTANCE OF A PLAN

A single parent contacted the Ombudsman out of concern for her autistic son. Her son had been attending a treatment centre for approximately 14 years when, in November 2004, she was advised that he would be discharged from the centre in June 2005 due to his age. She was concerned that there was no plan in place for her son after this date and that he would not be placed in any community program.

She was also concerned about how she would care for her son during the day, given her additional responsibilities caring for an aging parent and another, adult child. She feared that, if her son were not in a full-time program, she would have to give up her job to care for him.

An Ombudsman investigator contacted the Ministry of Children and Youth Services, and was told by a ministry official that planning for discharge from a treatment program should start six to nine months prior to the program's end, and that the treatment centre should be in contact with potential service providers to assist in finding an appropriate community placement for the client. The investigator contacted the treatment centre and was advised by a supervisor that the centre did not prepare written discharge plans and that it was under the impression that it was the complainant's responsibility to find her son an appropriate placement in the community, once he was discharged from the centre. In addition, some centre staff did not appear to be fully aware of the waiting list process and other procedures required to facilitate community placements. The centre had not advised the complainant that her son could not be put on a waiting list for a community program until his discharge date was finalized.

The centre's program director agreed to review the complainant's case with centre staff. The director subsequently sent the Ombudsman a written update of changes that had been made to ensure that centre

staff apply proper discharge planning procedures and are aware of the process for helping clients make the transition to community placements. As a result of the initiative of a case manager at a community agency, a placement was located for the complainant's son, starting in September 2005. The complainant said that, in addition to the hard work of the community agency, the involvement of the Ombudsman's office contributed to the process that found a placement for her son.

A LONG WAIT

A senior citizen complained to the Ombudsman that she had been waiting five months to obtain her birth certificate, which was needed to obtain a health card under the Ontario Health Insurance Plan (OHIP).

She had tried to contact the Office of the Registrar General every day to find out what the problem was, and was constantly met with a busy signal.

The Ombudsman's Office contacted a member of the Registrar General's staff and confirmed that the complainant's application for her birth certificate had been received. Because the complainant was born before 1930, however, the staff had to conduct a manual search of the birth registration records, as these documents had not been scanned into the Registrar General's computer system. The staff member agreed to follow up and to ensure that the complainant's application was processed as soon as possible. The complainant called back a week later to thank the Ombudsman, saying that she had received her birth certificate and could now get her health card.

IT'S ALL IN A NAME

The complainant contacted Ombudsman Ontario, because his four-year-old autistic stepdaughter needed to see a pediatrician, but he and his wife were unable to get a new Ontario Health Insurance Plan (OHIP) card for her.

The complainant had been told that the problem was that they did not have a valid birth certificate for the child. The complainant had been attempting to obtain health coverage for his stepdaughter for more than three years. Even his Member of Provincial Parliament had been unable to resolve the problem.

An Ombudsman staff member contacted OHIP's senior issues coordinator and explained the problem. OHIP agreed to grant the stepdaughter temporary coverage for one year. In the meantime, staff at the Office of the Registrar General, which was responsible for issuing the needed birth certificate, explained that the office was unable to process the application because it did not have the correct maiden name of the child's mother. A member of the Registrar General's staff subsequently contacted the mother and obtained the needed information, and a birth certificate was issued.

WAITING FOR CLOSURE

More than two years before contacting the Ombudsman's Office, the complainant had been the victim of a violent crime. She complained that she was still waiting for the Criminal Injuries Compensation Board to make a decision on her claim for compensation, and that delays in considering her application had occurred as a result of missing court documents.

A member of the Ombudsman's staff contacted the board and was advised that the complainant's application for compensation could not be heard until the board had received court documents confirming that the charges related to the crime against the complainant had been dealt with. The board noted that the court had dealt with the matter nine months earlier, and that a request for the required documents had been submitted to the court five months after the matter had been dealt with. The court office, however, had claimed that it had not received this first request, and so a second one had been sent.

In response to the Ombudsman's inquiries, the board agreed to call the court office and ask that it send the documents by fax on a priority basis. The documents were sent immediately, and the Board proceeded to fix a date so that the complainant's compensation claim could be dealt with and she could finally bring closure to the matter.

A FINAL APPEAL FOR HELP

The complainant reported that he had been diagnosed with cancer and given four to six months to live. As a result of his condition, he could not work and was no longer able to pay support to his ex-wife. Because of an outstanding court order, however, the Family Responsibility Office continued to garnish his sick benefits. The complainant needed to go back to court to change his outstanding support order so that the garnishment would stop, but he could not afford a lawyer. Legal Aid Ontario had advised him that it no longer provided legal aid certificates for issues related to support orders.

The complainant had attended court, however, and found that his ex-wife had obtained an adjournment, as she had been approved for legal aid and needed time to find a lawyer. He did not think it was fair that his ex-wife could get a legal aid certificate, but he could not. At the time he contacted the Ombudsman's Office, he had sent a letter of appeal to Legal Aid Ontario, but he was concerned that he would run out of time before his case could be dealt with.

A member of the Ombudsman's staff contacted Legal Aid Ontario, which confirmed that the complainant's letter of appeal had been received and that an area committee was scheduled to review the appeal in a few weeks' time. After hearing more about the complainant's circumstances, however, legal aid officials agreed to reconsider the complainant's application. A letter was issued the next day, approving the complainant for a paid consultation with a lawyer. The complainant thanked the Office of the Ombudsman for its quick action, and expressed relief that he could now move forward and put his affairs in order.

ON THE ROAD AGAIN

The complainant's wheelchair had been damaged when she was hit by a car, and without the chair she had no way to get around. When she could not get assistance from the Ontario Disability Support Program (ODSP) to get the chair repaired, she called Ombudsman Ontario.

The complainant was frustrated. She felt that she was continually hitting brick walls in her quest to have the chair fixed. She

had been told by her disability support worker to contact the wheelchair company directly to arrange to have the chair repaired. The company advised her that it did not have the required parts in stock. She was then told to contact another company, which informed her that it would need a copy of the accident report. When she called the Ombudsman for help, she was still stranded without her chair and her support worker had not returned her calls.

A member of the Ombudsman's staff contacted an ODSP manager, who advised that the complainant's regular support worker was on sick leave. When she heard about the complainant's plight, the manager promised to have another support worker contact the wheelchair company directly and arrange for the complainant to receive a loaner wheelchair while her chair was being fixed. The complainant was happy to be on the road again after her long ordeal.

FROM THE START

A man who had suffered a debilitating stroke in September 2001 contacted the Ombudsman regarding his claim for retroactive benefits from the Ontario Disability Support Program (ODSP). As a result of the stroke, the man had experienced memory loss, was living in assisted housing and was forced to use a wheelchair. During his rehabilitation, a social worker had helped him to complete an application for disability benefits, which was submitted in February 2002. His application was reviewed by the ODSP's Disability Adjudication Unit in August 2002 and rejected as being incomplete. It was resubmitted in October 2002. The reason for the delay in resubmitting the application was that the complainant's primary physician had been away and, therefore, unable to provide information that was required to support the application.

The complainant's application for disability benefits was approved, and he was provided with benefits with a start date of November 2002. The complainant felt, however, that the benefits should have been effective from February 2002, when his initial application was submitted. In his view, the reason for the delay in resubmitting his application was beyond his control. The ODSP agreed to change the start date to October 2002, but in the complainant's view this was still unfair. He exercised his right of appeal to the Social Benefits Tribunal. His appeal

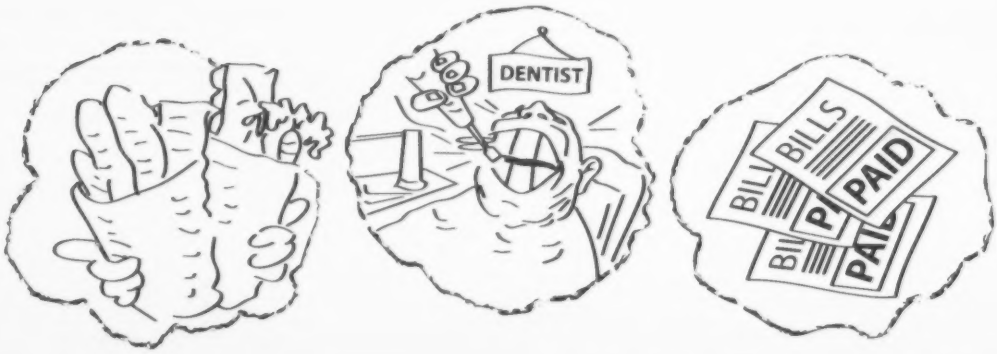
was rejected due to a legislated time limit; however, the tribunal member who dealt with the case suggested that the complainant approach the Ombudsman for assistance.

An Ombudsman investigator reviewed the complainant's disability benefits application and file, and noted that his initial application was not reviewed by ODSP staff for six months. It was also noted that because of the effects of his stroke, the complainant was dependent on hospital staff to submit his application and to ensure that it was complete. The ministry ultimately agreed to change the start date of the complainant's benefits to February 2002, resulting in a retroactive payment of $7,407.91.

YOU CAN GO BACK

In 2005, a 54-year-old diabetic man, who has heart problems, is legally blind and uses a walker, applied for and received from the Ontario Disability Support Program (ODSP) a special diet allowance, as well as dental and transportation assistance. He asked to have these supplementary benefits paid retroactively, dating from 2003, as he had initially applied to the ODSP for assistance in 2003 and in 2004, but had not been granted it even though his financial circumstances were the same. The ODSP denied his request, stating that he did not qualify for the benefits in 2003 and, further, that their records indicated he had withdrawn his application in 2004.

An investigator from the Ombudsman's Office contacted the ministry and was initially advised that there was insufficient information on file to justify the request for retroactive benefits. Upon reviewing the ministry's file, however, the investigator determined that the ministry did not consider the complainant's eligibility for the supplementary benefits in 2003 or 2004, or inform him that he may be eligible for such benefits. The ministry agreed that the complainant ought to have been informed by ministry staff that he may be eligible for such benefits. The ministry apologized to the complainant and awarded him $4,210.50 in retroactive benefits.



A BIG MISTAKE

A senior citizen who had suffered numerous heart attacks and who was recovering from a recent stroke contacted the Ombudsman's Office about a disagreement he had with the Family Responsibility Office (FRO) over approximately $2,000 he allegedly owed for back spousal support. He was supporting himself on a fixed income from Old Age Security, the Canada Pension Plan and the Ontario Municipal Employees Retirement Plan. He did not understand why he was considered in arrears on his payments, since FRO was deducting the amounts owed for support directly from his pension cheques. He noted that he was having difficulty making ends meet and that the stress of the situation was aggravating his already fragile health. The complainant had contacted both his federal and provincial Members of Parliament, but they had not been able to resolve the matter.

A member of the Ombudsman's staff contacted FRO and, after hearing about the complainant's situation, officials there agreed to immediately review the complainant's file to determine if everything was in order. When the review was completed, FRO advised the Ombudsman that errors had indeed been made. It found that the complainant was not in arrears for support; in fact, he had been paying $650 a month more than he was required to pay. FRO also noted that the man's support obligations should have been reduced further because of his age. FRO acted quickly to resolve the problem, and returned almost $8,500 to the complainant.

The complainant was very happy with the outcome, and said that he was overcome by the speed with which the Ombudsman's Office had been able to resolve his complaint. He noted that now he could buy proper food, have his teeth fixed and pay outstanding bills.

THE COST OF MISSED OPPORTUNITY

A woman who had a court order filed with the Family Responsibility Office (FRO) for child support contacted the Ombudsman when her former spouse, who owed back support payments, sold a property in 2004 and she was unable to obtain any of the monies from the sale to cover the support he owed.

An investigator from the Ombudsman's Office reviewed the ministry's files and determined that FRO had not filed a writ of seizure and sale with the sheriff in the jurisdiction where the property was located. Such a writ was necessary in order to ensure that the outstanding debt for child support would be paid before the former spouse could profit from selling the property. The investigator also determined that the previous year the complainant had phoned FRO on three different occasions to alert officials there to her former spouse's intention to sell the property. On those occasions, she had asked if a writ had been filed, in hopes that, if the property was sold, some of the proceeds could be seized to satisfy the outstanding support debt. The investigator found that FRO had filed a writ in the wrong location, not in the area where the property was located.

FRO agreed with the Ombudsman's findings, and agreed to apologize to the complainant for the error and pay her $2,593.50 in compensation, which was the amount owed to her by the support payer. FRO said that it would then take steps to recover the money from the support payer.

THE DEBT THAT WOULDN'T GO AWAY

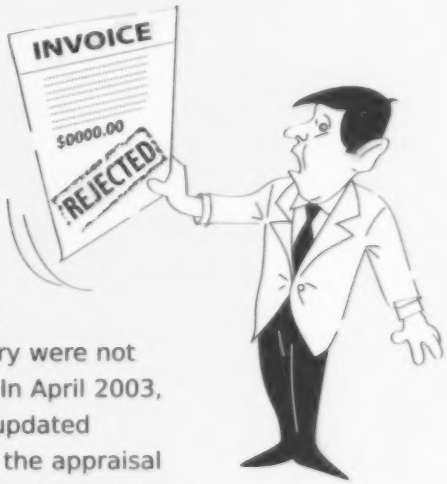
The complainant received $1,700 from the Ontario Student Assistance Program in 1990. Shortly after receiving the money, the Ministry of Training, Colleges and Universities notified her that she had received an overpayment of $700. Her fiancé repaid the monies. In 1995, however, the complainant was contacted by a collection agency on the basis that the debt was still outstanding. She advised the agency that she had repaid the money. She heard nothing further until 2003 when she received another call indicating that her "debt" was still in collection status. Because of the amount of time that had passed, the complainant was unable to get proof that the debt had been repaid. Her fiancé, now her husband, could not get copies of the cancelled

cheques, as the bank destroyed its records after 10 years.

A member of the Ombudsman's staff contacted the program coordinator at the ministry's Student Support Branch to resolve the problem. The ministry initially said that the complainant would have to provide some sort of bank document to prove that she had repaid the debt. The Ombudsman's Office suggested, however, that in the absence of the bank records, which were no longer available, the complainant should at least be allowed to submit an affidavit as proof of repayment.

After considering the circumstances, the ministry decided to accept the complainant's assertion that the monies had been repaid and agreed to cancel the debt and call off the collection agency. The complainant subsequently called the Ombudsman's Office to advise that she had received a letter from the ministry confirming that the debt was erased. She thanked the Ombudsman for helping her resolve the problem once and for all.

A JUST ACCOUNT

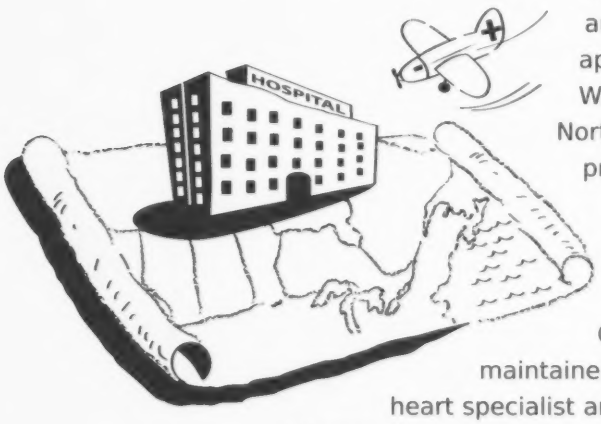


A property appraiser conducted an appraisal for clients whose property was being expropriated by the Ministry of Transportation for the purpose of widening a highway. He submitted his bill to the property owners and the ministry in January 2002. However, because discussions between the property owners and the ministry were not concluded, his account could not be settled. In April 2003, the appraiser provided the ministry with an updated accounting, which included both his work on the appraisal and the work conducted by another appraiser who had been working with him. In April 2004, the appraiser was advised that the ministry would pay only a portion of his bill. In response to a notice of investigation from the Ombudsman's Office, the ministry maintained that its review of the appraisal report and the itemized account docket had confirmed that the original bill was excessive and that the amount offered by the ministry was reasonable.

An investigator from the Ombudsman's Office reviewed the ministry's files, and noted that the ministry did not have the entire docket that the complainant had submitted for payment. The section of the submission itemizing his contribution to the appraisal did not appear to have been considered. The investigator provided the ministry with a copy of the missing documents. The regional appraisal supervisor re-evaluated the account, and a determination was made to pay the complainant an additional $3,247. Although this did not represent the full amount the complainant had billed the ministry, he agreed to accept the ministry's offer.

ALL OVER THE MAP

A heart attack victim in northern Ontario was taken to a hospital outside of his own community by air ambulance because the hospital nearest to his home could not provide him with the treatment he needed. He returned to the hospital outside of his community for follow up medical and psychiatric treatment. He also had to go to the same community for appointments with a specialist about a terminal illness from which he was suffering, and he scheduled all of his appointments on the same days. When his application under the Northern Health Travel Grant program for assistance with travel costs was denied, he complained to the Ombudsman.



Officials at the program maintained that the man could see a heart specialist and a psychiatrist in two different cities that were closer to his home. The complainant felt that it was unfair to expect him to change his medical team and travel to three different places for his medical care. He also noted that there were no easy travel options by bus, train or plane to the places suggested by the officials, whereas he could take the train directly to the community where he had been receiving all of his medical care.

A member of the Ombudsman's staff contacted staff at the Northern Health Travel Grant program who confirmed that the complainant had submitted two travel assistance claims and that one had already been denied. The Ombudsman's staff member explained the complainant's

circumstances, including the fact that it was difficult – if next to impossible – for him to travel to the cities the program officials had suggested. The program staff member advised the Ombudsman's Office that the complainant should submit this information directly along with an appeal of his denied claim, as the information would have an impact on the outcome. The complainant did so, and both of his travel claims were approved. He was also told that the program would provide financial assistance for his future medical trips. The complainant was very grateful that he would not have to worry about finding the money to get to his medical appointments.

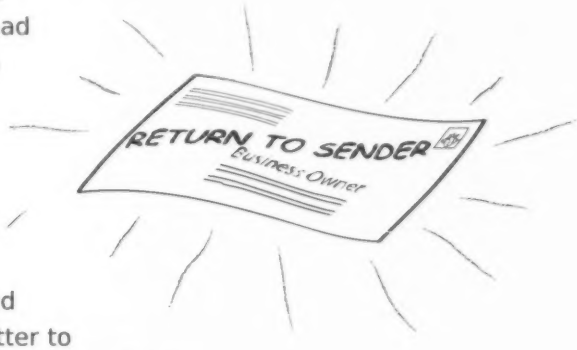
A RIGHT TO BE HEARD

A property owner appealed his 2003 property assessment to the Assessment Review Board, and a hearing was scheduled for the fall of 2004. At the hearing, the Municipal Property Assessment Corporation, which was the respondent, requested an adjournment. The request was granted, and the property owner was told that a notice would be mailed to him with a date for a new hearing. After hearing nothing further for 11 months, the property owner received a decision from the board dismissing his appeal. The property owner contacted the board to advise it that he had not been notified of a new hearing, but he was unable to resolve his complaint.

When an investigator from the Ombudsman's Office followed up, the board acknowledged that the property owner's file had been closed in error and that a decision should not have been sent. The board promised that a new hearing would be scheduled on a priority basis, given the circumstances.

RETURNED TO SENDER

A business owner received a letter from the Ministry of Finance in September 2003, advising him that he owed $3,540.11 for outstanding Employer Health Tax for the period 1995 to 1996 related to a business he had since sold. When the complainant attempted to appeal the ministry's decision, he was told that he was out of time. His request to enter into a repayment plan was also denied, and he was told that he must pay the outstanding taxes, plus interest and penalty charges. The complainant felt that it was unfair that he had to pay penalties and interest on the unpaid taxes when he had not received notice of the assessment until 2003. He also complained that the ministry had taken more than six months to provide him with an account statement, and that this delay had resulted in additional interest charges.



During the Ombudsman's investigation, it was determined that the ministry had sent a letter to the complainant in 2001 with respect to his tax account. The letter had been sent to the wrong address and was returned as undeliverable. The complainant provided the Ombudsman with his completed tax return form for January 2000, which identified his new address, and argued that, because the new address was on the form, the ministry should have been aware of it. A ministry staff member advised that this information would have been retained by the Corporation Tax Branch and not shared with other branches. Although the ministry could have obtained the complainant's updated address when its letter was returned, ministry staff advised the Ombudsman's Office that it is likely that additional steps were not taken because of the relatively small amount of money involved. The ministry agreed to reconsider the matter. Ultimately, it agreed to remove the penalty and interest charges and to reduce the complainant's account to $1,556.27, payable in monthly installments.

YOUR FEEDBACK

I would like to thank you and your staff for your dedicated efforts in completing this review in such a timely and thorough manner. We share a common goal of ensuring a property tax system that is transparent and accountable to taxpayers and municipalities. In light of your important recommendations and their potential impact on property owners, our government is pleased to announce the passage of legislation that extends the assessment appeal deadline for the 2006 tax year from March 31 to June 30.

The Hon. Dalton McGuinty
Premier of Ontario

We take his recommendations very seriously and we're going to begin to consult with the stakeholders with respect to how to implement them. This government is prepared to work with the Ombudsman – with many others – to make sure that we get this thing right.

The Hon. Dwight Duncan,
Minister of Finance, Chair of the Management Board of Cabinet

There's a whole new life to the role [of Ombudsman]. He's attacked this with a zeal that is very different than it's been for a number of years.

John Tory,
Progressive Conservative Leader

...I'd like to thank the Ombudsman for his report and his guidance and advice.

Hon. Marie Bountrogianni
Minister of Children and Youth Services (2005)

The Ombudsman obviously has come forward with a powerful report, cogent in its arguments, very well presented, very well researched and no doubt finally provoking action.

Tim Hudak, MPP

We thank the Ombudsman for his report and his recommendations, and as a government we always welcome suggestions for improvement.

Wayne Arthurs, MPP

I'd like to start by commending the Ombudsman for the province of Ontario, Mr. Marin. He has done an absolutely masterful job, in some 65 short pages, of outlining the difficulties with property assessment and with MPAC. He has detailed I think the frustrations of the citizenry of this province.

Michael Prue, MPP

Significant recommendations have been made by the Ombudsman, and the government must act quickly.

John Yakabuski, MPP

Mr. Marin's investigation and his recommendations aimed at increasing transparency and strengthening the integrity and efficiency of the assessment process is concordant with AIC's mission to protect the public interest by ensuring high standards of professional real estate and related property advisory services.

David Highfield, AACI, P. App.,
President, Appraisal Institute of Canada

Having just heard the Ombudsman's report I found he addressed many of the factors that were problematic and I am hoping to have better results on my next hearing. Thank you.

Former employee,
Assessment Review Board

For the past 3 years, I have had heated discussions with MPAC with no success in negotiations. Not that the assessment on our house should need to be negotiated. All requests were met with deaf ears. Finally, someone is taking MPAC to task and I thank you.

Complainant

The Ombudsman's recommendations, aimed at the Municipal Property Assessment Corporation, (MPAC), will make the whole assessment process more comprehensible and fairer to the property owner.

Bob Topp, Spokesperson
Ratepayers After Fair Taxation

The Ombudsman has my complete support in bringing Children's Aid Societies under the authority and purview of his office.... I believe that we need this legislation to be changed in order to make Children's Aid Societies truly accountable and transparent.

Dr. Ann Cavoukian,
Information and Privacy Commissioner

I really support his efforts to have oversight over CAS. I was really impressed by what he said. I hope he's able to continue his efforts.

Radio listener

It's nice to know people are still trying to do things the right way. Thank you so much. It's very encouraging to know you're out there.

81-year-old veteran

What a can of worms we opened yesterday when we discussed the McGuinty government's *Child and Family Services Act*. It's awaiting final approval after fighting off opposition critics call for an amendment giving the Ontario Ombudsman the power to probe decisions by the province's children's aid societies. The children's minister has turned up her nose at the suggestion, and more than a few CAS officials consider any involvement by the Ombudsman as redundant. But if just a small percentage of the complaints we received overnight about the CAS are true, then the system is in desperate need of independent oversight.

Mark Hebscher, Host,
Live @ 5:30, CHCH TV, Hamilton

Family Service Association supports the Ontario Ombudsman's submission to the Standing Committee on Social Policy which calls on the Ontario Government to give the Ombudsman power to oversee the Children's Aid Societies. We are concerned to learn about the number of complaints that the Ombudsman's Office receives on child welfare issues, yet does not have jurisdiction over Children's Aid Societies. We believe it is important that the Ombudsman be allowed to examine and report on Children's Aid Society responses to complaints received by the government.

Yves Savoie, Executive Director
Family Service Association of Toronto

This is one of the toughest reports I've ever seen. It says what's going on isn't just wrong, it's immoral.

Gordon Floyd,
Chief Executive Officer,
Children's Mental Health Ontario

The Ombudsman of Ontario, André Marin is our hero. I congratulate the extraordinary efforts of Marin and his SORT team of investigators. What the Ministry has dragged its feet on for years, the Ombudsman has investigated and made recommendations in less than three short weeks.

Cynthia Cameron, Parent

It is refreshing and encouraging for parents of children with special needs to see you taking some long awaited action on issues that have been plaguing parents for years! Thank you for all of your hard work! You are the voice that government and the general population are finally listening to!

Elizabeth Lappin, President,
Down Syndrome Association of York Region

I wish to express my appreciation for your excellent work in exposing a detestable situation regarding the care of children with disabilities. Congratulations for making a difference.

Complainant

I want to pass on my heartfelt thanks to the Ombudsman's Office for the report "Between a Rock and a Hard Place." I am the Executive Director of Kawartha-Haliburton Children's Aid Society and I've raised this issue a number of times with every level of the Ministry, without any success. My presentations also included a decision-making model and a cost benefit analysis. I'm very grateful to you for putting this issue on the public agenda.

Hugh Nicholson, Executive Director
Kawartha-Haliburton Children's Aid Society

We are writing a letter of appreciation for the incredible service that we received from your agency. ...After contacting your office, we had an immediate response from the Office of the Registrar General. The registrations in question were received in a matter of weeks thanks to your staff.

Complainant

I would like to offer my thanks to the Office of the Ombudsman of Ontario for their thorough and rapid attention to the matter outlined in the recent report entitled "Between a Rock and a Hard Place."

Complainant

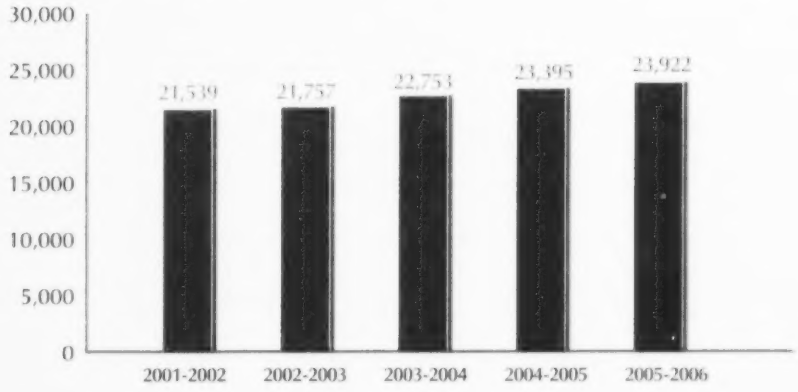
APPENDIX 1:
Statistical Overview of Complaints and Trends

During 2005–2006, the Office received 23,922 complaints and inquiries, approximately a 2 per cent increase overall from the number of complaints and inquiries received the previous year. Of the total, 17,276 involved complaints and inquiries about provincial government organizations falling within the Ombudsman's jurisdiction. The complaints and inquiries were received in the following ways: 67 per cent by phone, 16 per cent by letter or fax and 16 per cent by means of the Internet.

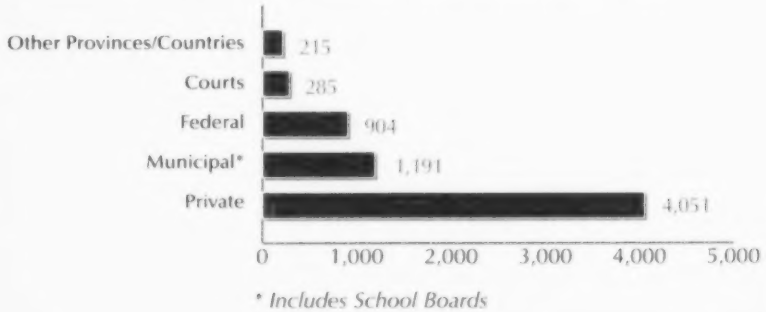
In terms of case activity the Office closed 17,542 cases, reducing its outstanding caseload from 821 complaints at the beginning of the year to 580 at year-end. An additional 6,621 cases, which did not fall within the limits of the Ombudsman's mandate, were also closed.

The following charts offer an overview of the types of complaints and inquiries received, their origins and how they were dealt with.

Total Complaints and Inquiries Received
Fiscal Years 2001-2002 to 2005-2006

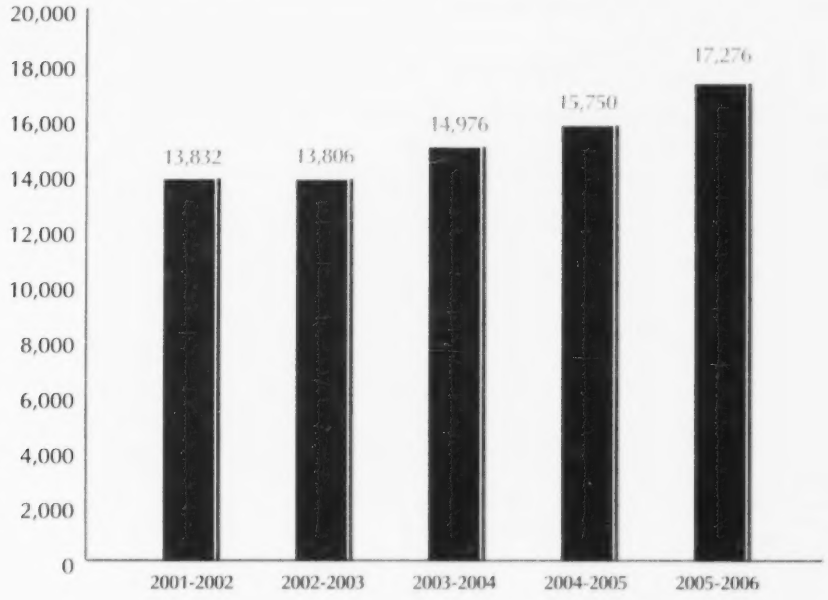


Non-Jurisdictional Complaints and Inquiries Received 2005-2006

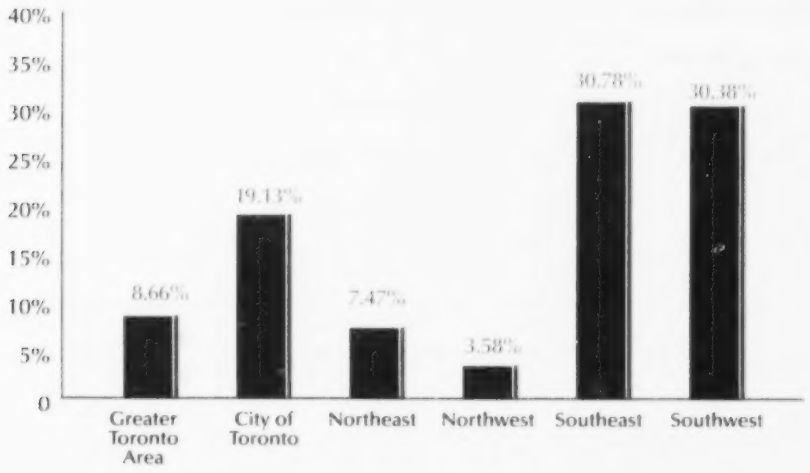


* *Includes School Boards*

Complaints and Inquiries Received About the Provincial Government
Fiscal Years 2001-2002 to 2005-2006

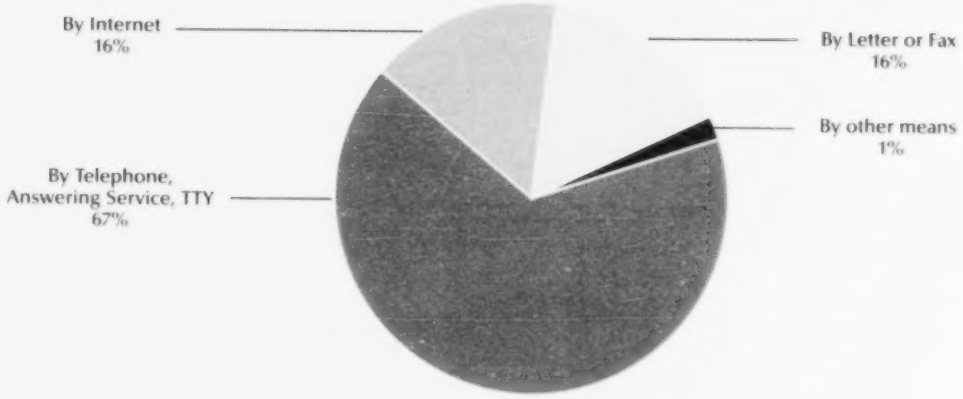


Regional Distribution of Complainants
2005-2006



- **Greater Toronto Area (GTA)** - bounded by Oakville, Lake Simcoe and Oshawa, but excluding the City of Toronto
- **City of Toronto** – bounded by Etobicoke, Steeles Avenue and Scarborough
- **Southwest** – bounded by the GTA, Barrie and Penetanguishene
- **Southeast** – bounded by GTA, Penetanguishene and Ottawa
- **Northeast** – bounded by Ottawa, Penetanguishene, and Marathon north to Hudson's Bay
- **Northwest** – the area west of the Marathon-Hudson's Bay boundary

How Complaints and Inquiries Were Received
2005-2006



Type of Media Coverage
2005-2006

appendix 1

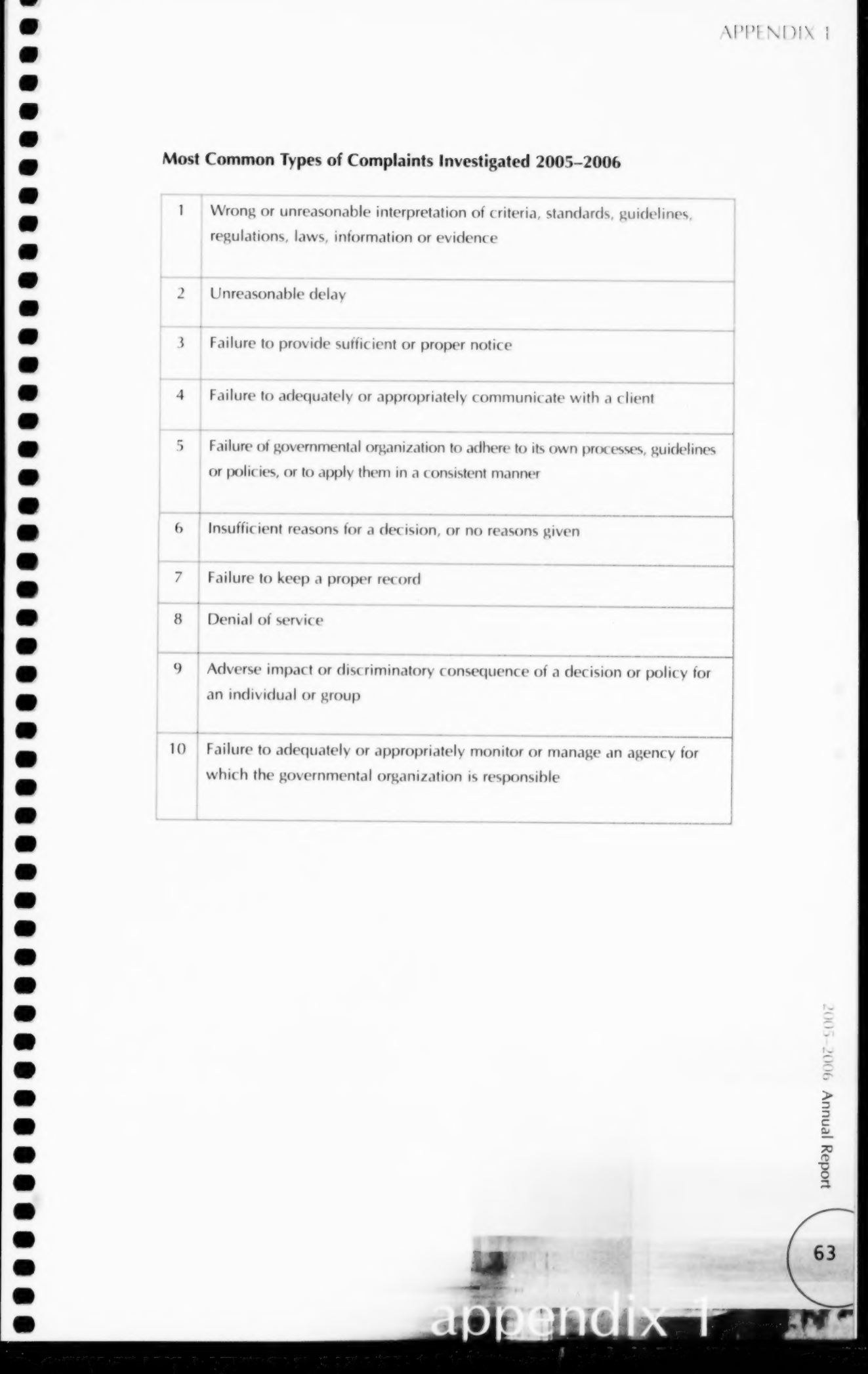
Top 20 Provincial Government Organizations and Programs Complained About in 2005-2006

	Organization/Program	Number of Complaints and Inquiries	Percentage Provincial Complaints and Inquiries
1	MUNICIPAL PROPERTY ASSESSMENT CORPORATION	3,961	22.93%
2	CENTRAL NORTH CORRECTIONAL CENTRE	1,105	6.40%
3	CENTRAL EAST CORRECTIONAL CENTRE	940	5.44%
4	FAMILY RESPONSIBILITY OFFICE	858	4.97%
5	MAPLEHURST CORRECTIONAL COMPLEX	855	4.95%
6	ONTARIO DISABILITY SUPPORT PROGRAM	708	4.10%
7	OFFICE OF THE REGISTRAR GENERAL	697	4.03%
8	WORKPLACE SAFETY AND INSURANCE BOARD	664	3.84%
9	OTTAWA-CARLETON DETENTION CENTRE	451	2.61%
10	TORONTO WEST DETENTION CENTRE	382	2.21%
11	VANIER CENTRE FOR WOMEN – MILTON	301	1.74%
12	SPECIAL NEEDS PROGRAMS – CHILDREN	259	1.50%
13	ONTARIO STUDENT ASSISTANCE PROGRAM	198	1.15%
14	WINDSOR JAIL	197	1.14%
15	TORONTO EAST DETENTION CENTRE	195	1.13%
16	TORONTO JAIL	192	1.11%
17	WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	185	1.07%
18	ONTARIO HEALTH INSURANCE PLAN	181	1.05%
19	NIAGARA DETENTION CENTRE	177	1.02%
20	TRANSPORTATION – DRIVER LICENSING	172	1.00%

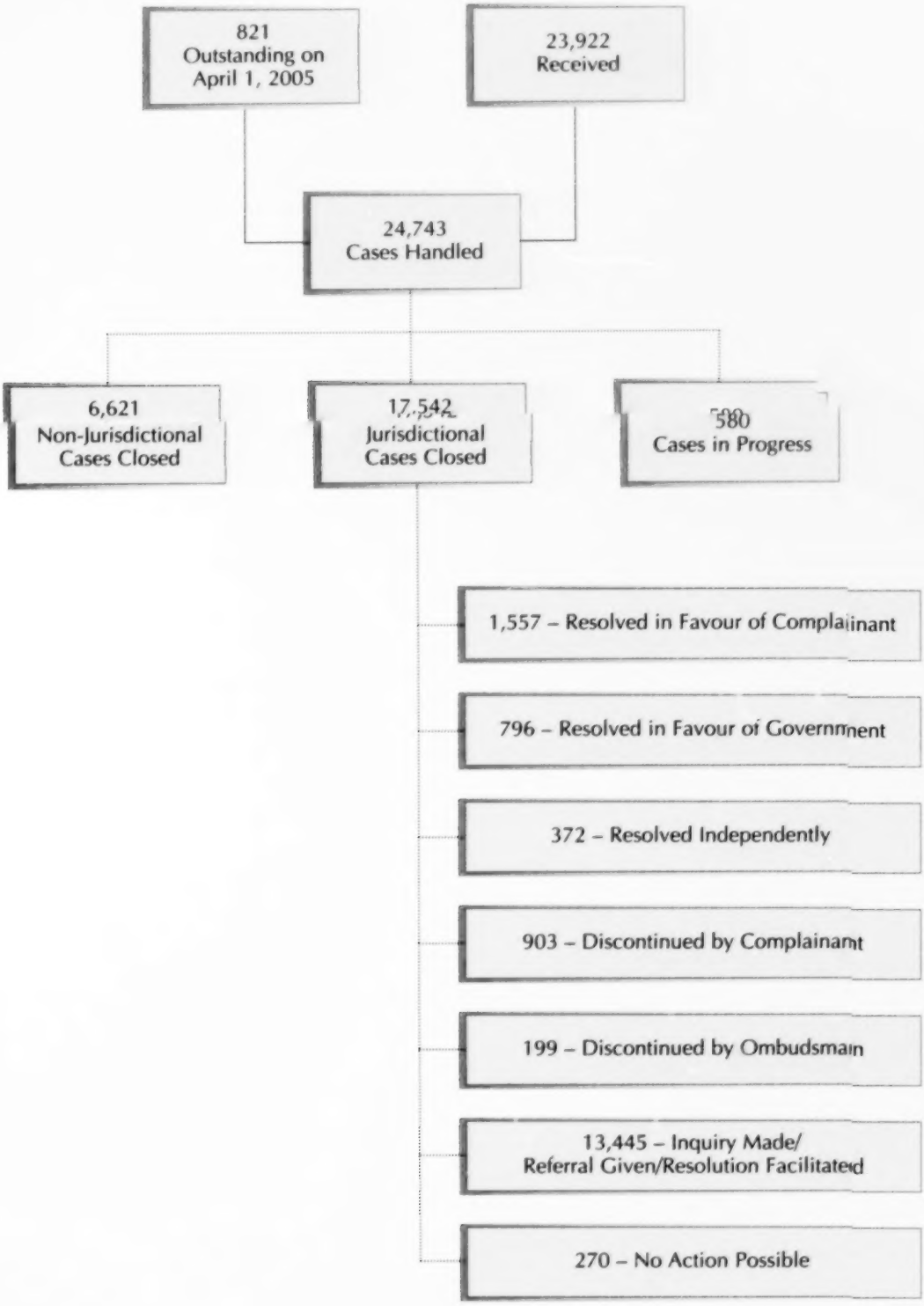
appendix 1

Most Common Types of Complaints Investigated 2005–2006

1	Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence
2	Unreasonable delay
3	Failure to provide sufficient or proper notice
4	Failure to adequately or appropriately communicate with a client
5	Failure of governmental organization to adhere to its own processes, guidelines or policies, or to apply them in a consistent manner
6	Insufficient reasons for a decision, or no reasons given
7	Failure to keep a proper record
8	Denial of service
9	Adverse impact or discriminatory consequence of a decision or policy for an individual or group
10	Failure to adequately or appropriately monitor or manage an agency for which the governmental organization is responsible



Disposition of Complaints and Inquiries 2005–2006



Complaints and Inquiries Closed 2005-2006 Against Provincial Government Organizations* by Final Resolution

(When a complaint or inquiry is made against a ministry in general, it is identified as 'other'.)

ORGANIZATION	Complaint Resolved by Ombudsman in Favour of:			Independently Resolved	Investigation Discontinued		Inquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Compl.	Gov't Org.	Org. With Suggest.		By Compl.	By Omb.			
MINISTRY OF AGRICULTURE, FOOD & RURAL AFFAIRS									
OTHER	2	3			1		4		10
AGRICORP		1			1		6		8
AGRICULTURE, FOOD & RURAL AFFAIRS APPEAL TRIBUNAL		2							2
FARMLANDS PROPERTY CLASS TAX PROGRAM		1							1
ONTARIO FARM PRODUCTS MARKETING COMMISSION								1	1
MINISTRY OF THE ATTORNEY GENERAL									
OTHER	3	6				1	34	2	46
ASSESSMENT REVIEW BOARD	2	7					31		40
CHILDREN'S LAWYER		[illegible]			[illegible]		[illegible]		[illegible]
CRIMINAL INJURIES COMPENSATION BOARD	3	2	1				21	1	28
CROWN ATTORNEYS				1			9	1	11
LEGAL AID ONTARIO	6	23		3	3	2	111	11	159
ONTARIO HUMAN RIGHTS COMMISSION	2	20	1	2	2	2	108	4	141
ONTARIO MUNICIPAL BOARD	2	3	1			1	15	2	25
PUBLIC GUARDIAN AND TRUSTEE	10	6		1	5		72	7	101
MINISTRY OF CHILDREN AND YOUTH SERVICES									
OTHER		3		3	5		32	4	47
OFFICE OF CHILD AND FAMILY SERVICE ADVOCACY	1	1				1	14	1	18
SPECIAL NEEDS PROGRAMS - CHILDREN	11	4		1	7	143	94	5	265
YOUTH FACILITIES	6	4		2	6		41	1	60
MINISTRY OF CITIZENSHIP AND IMMIGRATION									
OTHER		1					3		4
MINISTRY OF COMMUNITY AND SOCIAL SERVICES									
OTHER	2	2					45	6	55
ADOPTION DISCLOSURE AND REGISTER							9		9
FAMILY RESPONSIBILITY OFFICE	117	32	1	27	42		646	7	872
HURONIA REGIONAL CENTRE		1					5		6
ONTARIO DISABILITY SUPPORT PROGRAM (ODSP)	57	11		11	38	3	536	16	672
ODSP - DISABILITY ADJUDICATION UNIT	11	1		2	2	1	91		108
RIDEAU REGIONAL CENTRE							15		15
SOCIAL BENEFITS TRIBUNAL	5	15			5		64	1	90
SOUTHWESTERN REGIONAL CENTRE							8		8
SPECIAL NEEDS PROGRAMS - ADULT	3	6				1	44		54
THISTLETOWN REGIONAL CENTRE	1								1
MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES									
OTHER	4	1			2		63	1	71
CORRECTIONAL CENTRES	539	262		136	330		2272	55	3594
DENTENTION CENTERS	212	84		54	122	4	1195	13	1689
JAILS	156	45		27	128		645	15	1016
OFFICE OF THE CHIEF CORONER	2	2		1	1		10		16
OFFICE OF THE FIRE MARSHAL		1					1		2
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES							10		10
ONTARIO PAROLE AND EARNED RELEASE BOARD	1			2	2		11	1	17
ONTARIO PROVINCIAL POLICE		1			1		31		33
PROBATION AND PAROLE SERVICES	3	3			1		36		43
TREATMENT AND CORRECTIONAL CENTERS	5	5		6	11		133		160

* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with. Statistics are reported under the ministry responsible for the agency or program at the end of the year.

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	Compl.	Gov't Org.	Org. With Suggest		by Compl.	by Omb.			
MINISTRY OF CULTURE									
ART GALLERY OF ONTARIO							1		1
ONTARIO SCIENCE CENTRE		1		1	1		1		4
ONTARIO TRILLIUM FOUNDATION	1								1
ROYAL ONTARIO MUSEUM							1		1
MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE									
OTHER							2		2
MINISTRY OF EDUCATION									
OTHER	1	3			2		41	1	50
SPECIAL EDUCATION TRIBUNAL		1			1		6		8
MINISTRY OF ENERGY									
OTHER							9		9
HYDRO ONE NETWORKS INC.	19	10		4	15		119	4	171
ONTARIO ENERGY BOARD	1				1	1	7		10
MINISTRY OF THE ENVIRONMENT									
OTHER	5	5		1	1	1	43	3	59
DRIVE CLEAN PROGRAM							14	1	15
ENVIRONMENTAL REVIEW TRIBUNAL							1		1
MINISTRY OF FINANCE									
OTHER	1	2			1		17	1	22
FINANCIAL SERVICES COMMISSION		1			3	1	34	1	40
FINANCIAL SERVICES TRIBUNAL							1		1
MOTOR VEHICLE ACCIDENT CLAIMS FUND							2		2
MUNICIPAL PROPERTY ASSESSMENT CORPORATION	13	2		11	17	2	1779	27	1851
ONTARIO SECURITIES COMMISSION	1	1			1		3		6
PROVINCIAL TAX PROGRAMS		1		1	2		21	2	27
RETAIL SALES TAX	1	4	1	1	2	1	23	2	35
MINISTRY OF GOVERNMENT SERVICES									
OTHER	5	2		3	3		55	1	69
ALCOHOL AND GAMING COMMISSION OF ONTARIO	1	1	1		4	1	14		22
LAND REGISTRY/TITLES					1		9		10
LICENCE APPEAL TRIBUNAL		2					4		6
OFFICE OF THE REGISTRAR GENERAL	211	8		23	20		438	3	703
ONTARIO PENSION BOARD							8		8
ONTARIO RACING COMMISSION	1				1		3		5
MINISTRY OF HEALTH AND LONG-TERM CARE									
OTHER	6	5		1	2	18	90	6	128
ASSISTIVE DEVICES/HOME OXYGEN PROGRAMS	2		1				30		33
COMMUNITY CARE ACCESS CENTRE	3			1	4		45	2	55
CONSENT AND CAPACITY BOARD	1	1					3	1	6
DRUG PROGRAMS BRANCH - ONTARIO DRUG BENEFIT PROGRAM	2	1		1	1		39	1	45
DRUG PROGRAMS BRANCH - SECTION 8 REQUESTS	2						17		19
DRUG PROGRAMS BRANCH - TRILLIUM DRUG PROGRAM	16	2		3	3		51	1	76
HEALTH PROFESSIONS APPEAL AND REVIEW BOARD	2	17				6	24	2	51
HEALTH SERVICES APPEAL AND REVIEW BOARD	1	2			1		9	1	14
LONG TERM CARE BRANCH		1		1	1		8		11
NORTHERN HEALTH TRAVEL GRANT	2	4					13	1	20
ONTARIO HEALTH INSURANCE PLAN	20	2		4	8	1	146	1	182
ONTARIO HEPATITIS C ASSISTANCE PLAN	1						2		3
PSYCHIATRIC HOSPITALS/ MENTAL HEALTH CENTRES	1	4		1	3		34		43
PSYCHIATRIC PATIENT ADVOCATE OFFICE							4		4

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	Compl.	Gov't Org.	Org. With Suggest.		by Compl.	by Omb.			
MINISTRY OF LABOUR									
OTHER		1			4		18	2	25
EMPLOYMENT PRACTICES BRANCH	3	2		1	4	1	62		73
FAIR PRACTICES COMMISSION	1						7		8
GRIEVANCE SETTLEMENT BOARD							2		2
OCCUPATIONAL HEALTH AND SAFETY							6		6
OFFICE OF THE EMPLOYER ADVISER							2	1	3
OFFICE OF THE WORKER ADVISER	1	1					15		17
ONTARIO LABOUR RELATIONS BOARD		20				1	51	1	73
PAY EQUITY COMMISSION		1					3		4
WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	2	41		1	6	1	135	5	191
WORKPLACE SAFETY AND INSURANCE BOARD	13	10		8	17	1	611	11	671
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING									
OTHER	2	4					31	4	41
LINE FENCES REFEREE							3		3
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD	1				1		3		5
ONTARIO RENTAL HOUSING TRIBUNAL	6	13		6	11	2	132	2	172
MINISTRY OF NATURAL RESOURCES									
OTHER	1	6		1	5		27	1	41
CROWN LAND	3	8					20	2	33
LICENCES/TAGS		1					11		12
NIAGARA ESCARPMENT COMMISSION			1				1		2
ONTARIO PARKS					1		6		7
MINISTRY OF PUBLIC INFRASTRUCTURE RENEWAL									
LIQUOR CONTROL BOARD OF ONTARIO							8	1	9
ONTARIO LOTTERY AND GAMING CORPORATION					2		8		10
ONTARIO REALTY CORPORATION	1						6		7
MINISTER RESPONSIBLE FOR SENIORS									
ONTARIO SENIORS' SECRETARIAT							1		1
MINISTRY OF TOURISM									
OTHER							5		5
ONTARIO PLACE CORPORATION							2		2
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES									
OTHER	1						21		22
APPRENTICESHIPS/WORK TRAINING							4	1	5
COLLEGES OF APPLIED ARTS AND TECHNOLOGY	1	7	2	1	4		45		60
ONTARIO STUDENT ASSISTANCE PROGRAM	5	7		4	16		166	3	201
TVONTARIO	2								2
MINISTRY OF TRANSPORTATION									
OTHER	3	1			4		50	4	62
DRIVER LICENSING	14	12		5	7		129	2	169
GO TRANSIT							5	1	6
HIGHWAYS	2			3	3	1	29	1	39
MEDICAL REVIEW	2	6		2	1		70	1	82
VEHICLE LICENSING	5	1		4			32		42
MINISTER RESPONSIBLE FOR WOMEN'S ISSUES									
ONTARIO WOMEN'S DIRECTORATE					1				1
ONTARIO GOVERNMENT									
OTHER						1	29	4	34
INFORMATION AND PRIVACY COMMISSIONER /ONTARIO							22	1	23
OFFICE OF THE AUDITOR GENERAL OF ONTARIO					1				1
OFFICE OF THE LIEUTENANT GOVERNOR							2		2
OFFICE OF THE PREMIER							8		8

* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with. Statistics are reported under the ministry responsible for the agency or program at the end of the year.

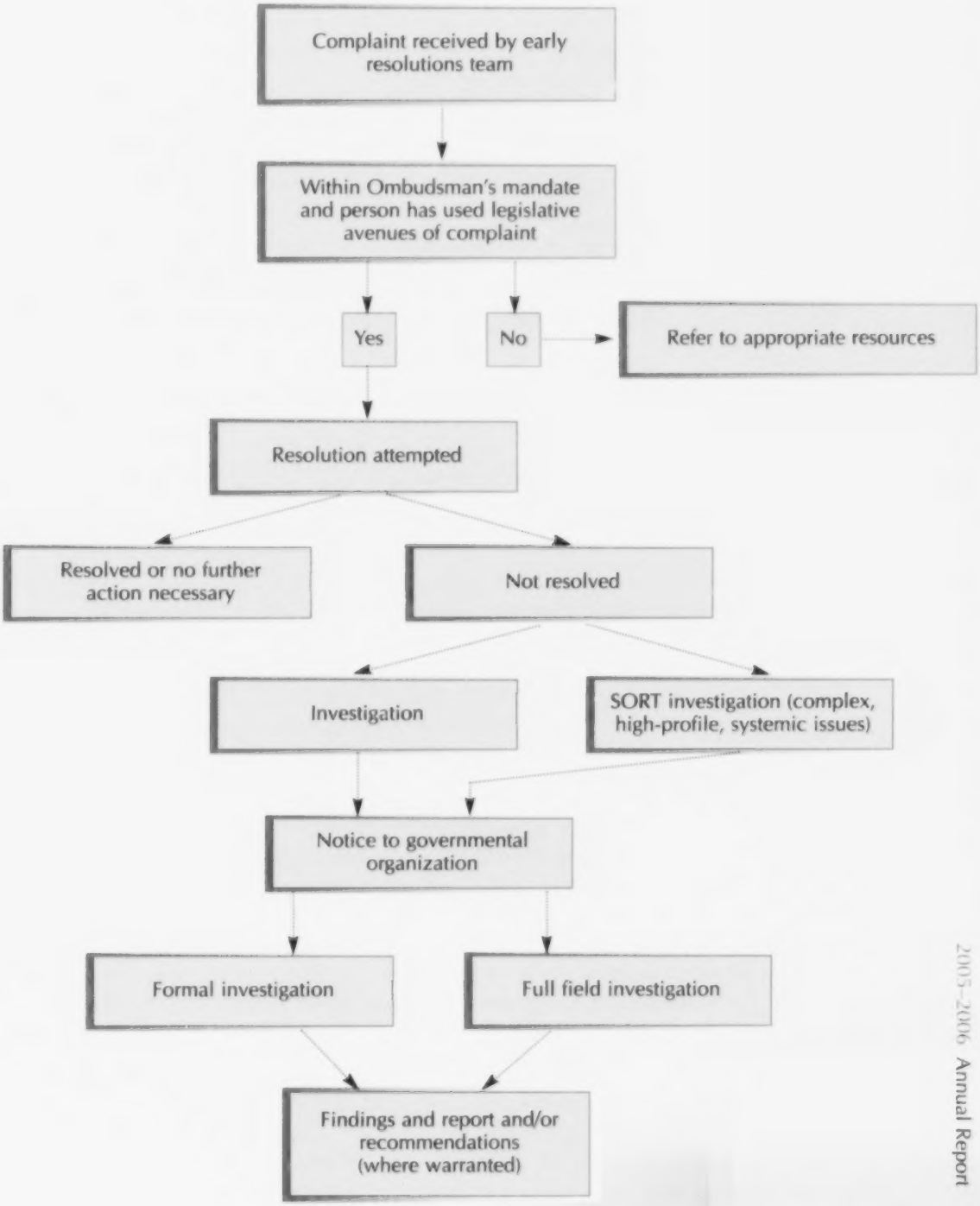
appendix 1

Complaints and Inquiries Received 2005-2006 by Provincial Riding*

Algoma - Manitoulin	236
Ancaster - Dundas - Flamborough - Aldershot	151
Barrie - Simcoe - Bradford	179
Beaches - East York	227
Bramalea - Gore - Malton - Springdale	98
Brampton Centre	103
Brampton West - Mississauga	139
Brant	164
Bruce - Grey - Owen Sound	247
Burlington	75
Cambridge	102
Chatham - Kent - Essex	175
Davenport	121
Don Valley East	88
Don Valley West	141
Dufferin - Peel - Wellington - Grey	132
Durham	109
Eglinton - Lawrence	185
Elgin - Middlesex - London	314
Erie - Lincoln	92
Essex	169
Etobicoke Centre	152
Etobicoke - Lakeshore	117
Etobicoke North	493
Glengarry - Prescott - Russell	141
Guelph - Wellington	139
Haldimand - Norfolk - Brant	95
Haliburton - Victoria - Brock	1138
Halton	1275
Hamilton East	131
Hamilton Mountain	95
Hamilton West	253
Hastings - Frontenac - Lennox and Addington	433
Huron - Bruce	119
Kenora - Rainy River	244
Kingston and The Islands	347
Kitchener Centre	93
Kitchener - Waterloo	125
Lambton - Kent - Middlesex	139
Lanark - Carleton	282
Leeds - Grenville	291
London - Fanshawe	162
London North Centre	176
London West	146
Markham	45
Mississauga Centre	72
Mississauga East	71
Mississauga South	81
Mississauga West	73
Nepean - Carleton	155
Niagara Centre	274
Niagara Falls	120
Nickel Belt	129
Nipissing	284
Northumberland	223
Oak Ridges	127
Oakville	106
Oshawa	120
Ottawa Centre	274
Ottawa - Orléans	559
Ottawa South	150
Ottawa - Vanier	199
Ottawa West - Nepean	161
Oxford	68
Parkdale - High Park	128
Parry Sound - Muskoka	184
Perth - Middlesex	124
Peterborough	165
Pickering - Ajax - Uxbridge	131
Prince Edward - Hastings	157
Renfrew - Nipissing - Pembroke	159
Sarnia - Lambton	277
Sault Ste. Marie	380
Scarborough - Agincourt	66
Scarborough Centre	93
Scarborough East	105
Scarborough - Rouge River	77
Scarborough Southwest	304
Simcoe - Grey	137
Simcoe North	1334
St. Catharines	118
St. Paul's	162
Stoney Creek	119
Stormont - Dundas - Charlottenburgh	153
Sudbury	329
Thornhill	64
Thunder Bay - Atikokan	189
Thunder Bay - Superior North	244
Timiskaming - Cochrane	302
Timmins - James Bay	177
Toronto Centre - Rosedale	315
Toronto - Danforth	401
Trinity - Spadina	231
Vaughan - King - Aurora	90
Waterloo - Wellington	78
Whitby - Ajax	124
Willowdale	133
Windsor - St. Clair	16
Windsor West	360
York Centre	110
York North	102
York South - Weston	100
York West	58

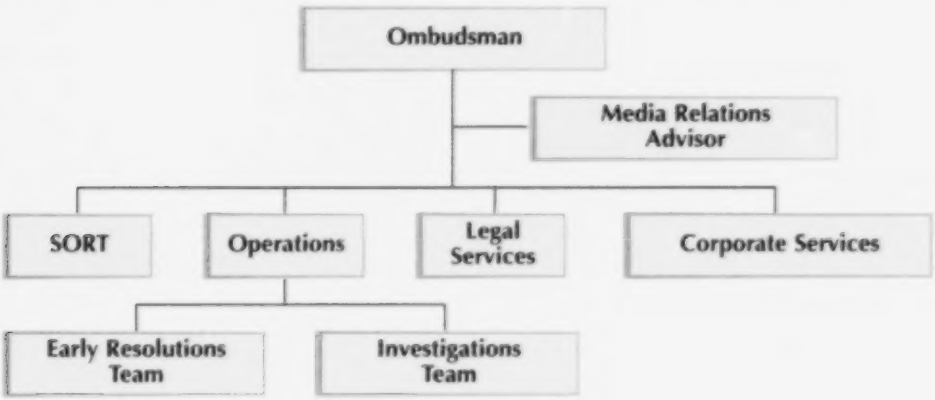
* Where a valid postal code is available.

APPENDIX 2:
How We Work


Complaint received by early resolutions team
Within Ombudsman's mandate and person has used legislative avenues of complaint
Yes
No
Refer to appropriate resources
Resolution attempted
Resolved or no further action necessary
Not resolved
Investigation
SORT investigation (complex, high-profile, systemic issues)
Notice to governmental organization
Formal investigation
Full field investigation
Findings and report and/or recommendations (where warranted)

APPENDIX 3: About The Organization

As of March 31, 2006, the Ombudsman's Office employed 74 staff. The following provides an overview of the Office's various teams, how they work together and how they contribute to the successful operation of the Office.



Corporate Services: The Corporate Services team provides support to the Office in the areas of finance, administrative and information technology services, communications, human resources and record keeping.

Special Ombudsman Response Team (SORT): SORT is comprised of the director and five experienced investigators. SORT is tasked with conducting investigations into complex, systemic, high-profile cases. SORT works in collaboration with the Ombudsman's operations team. Investigators from the operations team are assigned to SORT on the basis of their specific abilities and areas of expertise.

Operations: The operations team, led by the director of operations, includes an early resolutions team and an investigations team. The early resolutions team operates as the Office's front line, taking in complaints, assessing them and providing advice, guidance and referrals. Early resolution officers use a variety of conflict resolution techniques to resolve complaints that fall within the Ombudsman's jurisdiction, and they review and assess those cases where a resolution is not attained to determine whether an investigation is warranted. The investigations team is comprised of experienced investigators who conduct issue-driven, focused and timely investigations of both individual and systemic complaints.

Legal Services: The legal services team, led by the Office's senior counsel, supports the Ombudsman and his staff, ensuring that the Office functions within its legislated mandate and providing expert advice in support of the resolution and investigation of complaints. Members of the legal services team work closely with the Office's investigators during investigations and play a key role in the review and analysis of evidence and the preparation of reports and recommendations for the Ombudsman's approval.

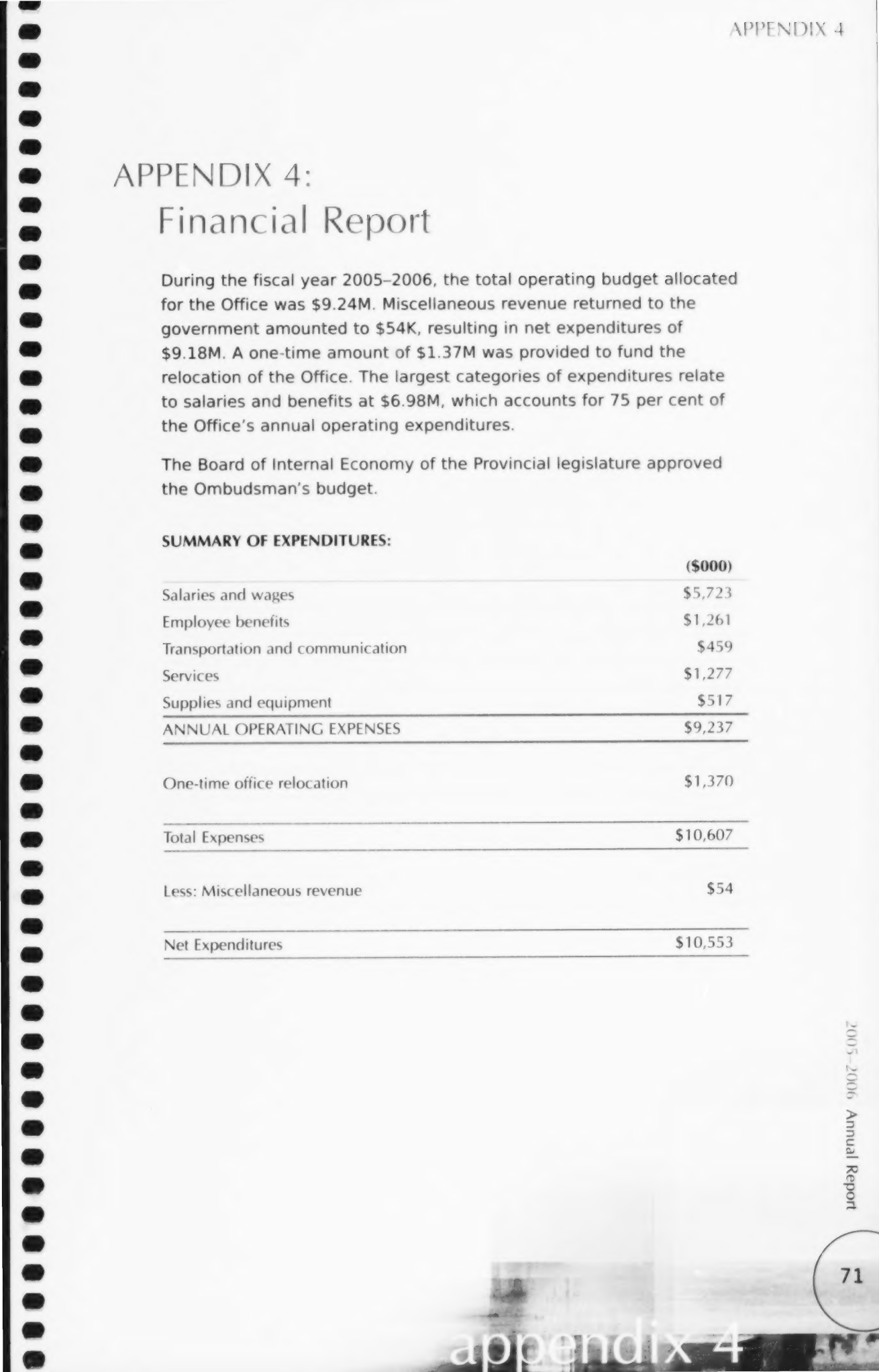
APPENDIX 4: Financial Report

During the fiscal year 2005–2006, the total operating budget allocated for the Office was $9.24M. Miscellaneous revenue returned to the government amounted to $54K, resulting in net expenditures of $9.18M. A one-time amount of $1.37M was provided to fund the relocation of the Office. The largest categories of expenditures relate to salaries and benefits at $6.98M, which accounts for 75 per cent of the Office's annual operating expenditures.

The Board of Internal Economy of the Provincial legislature approved the Ombudsman's budget.

SUMMARY OF EXPENDITURES:

	($000)
Salaries and wages	$5,723
Employee benefits	$1,261
Transportation and communication	$459
Services	$1,277
Supplies and equipment	$517
ANNUAL OPERATING EXPENSES	$9,237
One-time office relocation	$1,370
Total Expenses	$10,607
Less: Miscellaneous revenue	$54
Net Expenditures	$10,553



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